

**BREMERTON-KITSAP COUNTY BOARD OF HEALTH
ORDINANCE NUMBER 2000-6**

SOLID WASTE REGULATIONS

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**BREMERTON-KITSAP COUNTY BOARD OF HEALTH
ORDINANCE 2000-6**

SOLID WASTE REGULATIONS

SECTION I. AUTHORITY AND PURPOSE

These solid waste rules and regulations are promulgated under the authority of Chapters 70.05, *Local Health Departments, Boards, Officers-Regulations*, and 70.95, *Solid Waste Management-Reduction and Recycling*, in the Revised Code of Washington (RCW), and Chapters 173-304, *Minimum Functional Standards for Solid Waste Handling*, and 173-351, *Criteria for Municipal Solid Waste Landfills*, in the Washington Administrative Code (WAC), to protect the public peace, health, safety and welfare of the citizens of Kitsap County. All references to these RCWs and WACs, and all other RCWs, WACs, and other federal, state, and local regulations, refer to the cited chapters and sections, as amended. The rules and regulations herein govern the handling, storage, collection, transportation, treatment, utilization, processing and final disposal of all solid waste within Kitsap County, including the issuance of permits and enforcement. Its provisions shall be liberally construed for the accomplishment of these purposes.

It is expressly the purpose of these rules and regulations to provide for and promote the health of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of these rules and regulations.

It is the specific intent of these rules and regulations to place the obligation of complying with its requirements upon waste generators, haulers, and/or operators of solid waste handling sites, and no provision of, nor term used in these rules and regulations is intended to impose any duty whatsoever upon the Health District nor any of its officers or employees, for whom the implementation or enforcement of these rules and regulations shall be discretionary and not mandatory.

Nothing contained in these rules and regulations is intended to be, nor shall be construed to create or form the basis for any liability on the part of the Health District or its officers, employees or agents, for any injury or damage resulting from the failure of any person subject to these rules and regulations to comply with these rules and regulations, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of these rules and regulations on the part of the Health District.

SECTION II. APPLICABILITY

These regulations apply to solid waste and hazardous substances as those terms are defined in Section III. of these regulations. These regulations shall not apply to the following solid wastes:

- A. Overburden from mining operations intended for return to the mine;
- B. Liquid wastes whose discharge or potential discharge is regulated under federal, state or local water pollution permits;
- C. Woodwaste used for ornamental, animal bedding, mulch and plant bedding or road building purposes;
- D. Agricultural wastes, limited to manures and crop residues, returned to the soils at rates which do not exceed agronomic rates, and applied so as not to create a nuisance as prohibited in Section IV.B.6.c.;

- E. Clean soils and clean dredge spoils as defined in Section III. of these regulations or as otherwise regulated by Section 404 of the Federal Clean Water Act (PL 95-217), *Permits for Dredge and Fill Material*, as amended;
- F. Septage taken to a sewage treatment plant permitted under Chapter 90.48 RCW, *Water Pollution Control*;
- G. Radioactive wastes, defined by Chapter 246-220 WAC, *Radiation Protection*, and Chapter 246-232 WAC, *Radioactive Materials*; and
- H. Wood debris resulting from the harvesting of timber and whose disposal is permitted under Chapter 76.04 RCW, *Forest Protection*.

SECTION III. DEFINITIONS

When used in this regulation, the following terms have the meanings given below. Except as provided herein, definitions related to municipal solid waste landfill units are contained in Chapter 173-351 WAC, *Criteria for Municipal Solid Waste Landfills*.

Abandoned Landfills: Those sites not closed in accordance with all applicable regulatory requirements in place at the time that waste handling/disposal activities ceased.

Abrasive Blasting: A method of surface preparation in which an abrasive aggregate is sprayed under pressure on to exterior surfaces which include, but are not limited to, boats, ships or other watercraft.

Active Area: That portion of a facility where solid waste recycling, reuse, treatment, storage or disposal operations are being, are proposed to be, or have been conducted. Buffer zones shall not be considered part of the active area of a facility.

Agricultural Wastes: Non-dangerous wastes on farms resulting from the production of agricultural products including, but not limited to, manures and carcasses of dead animals weighing each or collectively in excess of fifteen (15) pounds.

Agronomic Rates: The rates of application of sludges, manures, or crop residues in accordance with rates specified by the appropriate fertilizer guide for the crop under cultivation.

Aquifer: A geologic formation, group of formations or part of a formation capable of yielding a significant amount of ground water to wells or springs.

Asbestos-Containing Waste Material (ACWM): Any waste that contains or is contaminated with asbestos-containing material. This term includes asbestos waste from control equipment, materials used to enclose the work area during an asbestos project, asbestos containing material(s) collected for disposal, or asbestos contaminated waste, debris, containers, bags, protective clothing, or HEPA filters. ACWM does not include samples of asbestos-containing material taken for testing or enforcement purposes. Asbestos-containing flooring or roofing materials shall not be considered ACWM if:

1. The asbestos-containing flooring or roofing material is in good condition and is not peeling, cracking, or crumbling; and
2. The binder is petroleum based, the asbestos fibers are suspended in that base, and individual fibers are still encapsulated; and

3. The asbestos-containing flooring or roofing material does not have a friable asbestos backing or friable asbestos layers in between layers of petroleum based binder; and
4. The building, vessel, or structure containing the asbestos-containing flooring or roofing material, regardless of the condition of the material, will not be demolished by burning.

Ashes: The residue from combustion or incineration of material including solid wastes and any air pollution flue dust.

Biomedical Waste: Biomedical waste means, and is limited to, the following types of waste:

1. "Animal waste" is waste animal carcasses, body parts, and bedding of animals that are known to be infected with, or that have been inoculated with, human pathogenic microorganisms infectious to humans.
2. "Biosafety level 4 disease waste" is the waste contaminated with blood, excretions, exudates, or secretions from humans or animals who are isolated to protect others from highly communicable infectious diseases that are identified as pathogenic organisms assigned to biosafety level 4 by the Centers for Disease Control, National Institute of Health, and Biosafety in Microbiological and Biomedical Laboratories, current edition.
3. "Cultures and stocks" are wastes infectious to humans including specimen cultures, cultures and stocks of etiologic agents, wastes from production of biologicals and serums, discarded live and attenuated vaccines, and laboratory waste that has come into contact with cultures and stocks of etiologic agents or blood specimens. Such waste includes but is not limited to culture dishes, blood specimen tubes, and devices used to transfer, inoculate, and mix cultures.
4. "Human blood and blood products" are waste human blood and blood components, and materials containing free-flowing blood and blood products.
5. "Pathological waste" is human source biopsy materials, tissues, and anatomical parts that emanate from surgery, obstetrical procedures, and autopsy. "Pathological waste" does not include teeth, human corpses, remains, and anatomical parts that are intended for internment or cremation.
6. "Sharps waste" is all hypodermic needles, syringes with needles attached, intravenous tubing with needles attached, scalpel blades, and lancets that have been removed from the original sterile package.

Biomedical Waste Collection Service: Any agency, business, or service operated by a person for the purpose of biomedical waste collection and transportation.

Biomedical Waste Generator: Any producer of biomedical waste to include without limitation the following categories: General acute care hospitals, skilled nursing facilities or convalescent hospitals, intermediate care facilities, in-patient care facilities for the developmentally disabled, chronic dialysis clinics, community clinics, health maintenance organizations, surgical clinics, urgent care clinics, acute psychiatric hospitals, laboratories, medical buildings, physicians offices and clinics, veterinary offices and clinics, dental offices and clinics, funeral homes or other similar facilities.

Biomedical Waste Treatment: Means incineration, sterilization, or other method, technique, or process that changes the character or composition of a biomedical waste so as to minimize the risk of transmitting infectious disease.

Biosolids: Municipal sewage sludge that is a primarily organic, semisolid product resulting from the wastewater treatment process, that can be beneficially recycled and meets all requirements under Chapter 173-308 WAC, *Biosolids Management*. Biosolids includes a material derived from biosolids, and septic tank sludge, also known as septage, that can be beneficially recycled and meets all applicable requirements under Chapter 173-308 WAC. Semisolid products include biosolids or products derived from biosolids ranging in character from mostly liquid to fully dried solids.

Board of Health: The Bremerton-Kitsap County Board of Health.

Buffer Zone: That part of a facility that lies between the active area and the property boundary.

Bulky Waste: Large items of refuse, such as appliances, furniture, junk vehicles, and other oversize wastes which would typically not fit into reusable or disposable containers.

Clean Soils and Clean Dredge Spoils: Soils and dredge spoils that are not dangerous or problem wastes as defined in this section.

Closed Landfills: Those sites closed in accordance with all applicable closure requirements in place at the time waste handling/disposal ceased and that requires a Health District permit. This includes those actions necessary to prepare the site for the post-closure period.

Closure: Those actions taken by the owner or operator of a solid waste site or facility to cease waste handling/disposal operations and to ensure that all such facilities are closed in conformance with applicable regulations at the time of such closures and to prepare the site for the post-closure period.

Commercial Waste: All types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial wastes.

Compliance Schedule: A written schedule of required measures in a permit, including an enforceable sequence leading to compliance with these regulations.

Composting: The controlled degradation of organic solid waste yielding a product for use as a soil conditioner.

Construction Waste: Non-dangerous solid waste, largely inert waste, generated as the result of construction of buildings, roads, and other man-made structures. Construction waste consists of, but is not limited to: concrete, asphalt, brick, rock, wood and masonry, composition roofing and roofing paper, shakes, shingles, plastic and paper wrappings, plastic pipe, fiberglass insulation, carpeting, floor tile, glass, steel, and minor amounts of other metals like copper.

Container: A device used for the collection, storage and/or transportation of solid waste including, but not limited to, reusable containers, disposable containers, detachable containers and tanks, fixed or detachable.

Contaminate: To allow discharging a substance into soils, surface or ground water that would cause:

1. The concentration of that substance in the surface water to exceed the standards or levels specified in Chapter 173-201A WAC, *Water Quality Standards for Surface Waters of the State of Washington*, or in the ground water to exceed the standards or levels specified in WAC 173-304-9901, *Maximum Contaminant Levels for Ground Water*, or Chapter 173-200 WAC, *Water Quality Standards for Ground Waters of the State of Washington*; or

2. A statistically significant increase in the concentration of that substance in the surface or ground water where the existing concentration of that substance exceeds the standards or levels specified in Chapter 173-201A WAC for surface water, or WAC 173-304-9901 or Chapter 173-200 WAC for ground water; or
3. A statistically significant increase above background in the concentration of a substance which:
 - a. Is not specified in Chapter 173-201A WAC, WAC 173-304-9901, or Chapter 173-200 WAC; and
 - b. Is present in the solid waste; and
 - c. Has been determined to present a substantial risk to human health or the environment in the concentrations found at the point of compliance by the Health Officer in consultation with the Washington Department of Ecology and the Washington Department of Health.

Dangerous Waste: Any solid waste designated in WAC 173-303-070 through 173-303-100 as dangerous, extremely hazardous, or mixed waste.

Demolition Waste: Non-dangerous solid waste, largely inert waste, resulting from the demolition or razing of buildings, roads and other man-made structures. Demolition waste consists of, but is not limited to: concrete, asphalt, brick, rock, wood and masonry, composition roofing and roofing paper, shakes, shingles, plastic pipe, fiberglass insulation, carpeting, floor tile, glass, steel, minor amounts of other metals like copper, and incidental amounts of soil associated with these wastes. Plaster (i.e., sheet rock or plaster board), yard wastes, stumpage, or any other materials that are likely to produce gases or leachate during the decomposition process are not considered to be demolition waste for the purposes of this definition. Bulky wastes, white goods, and asbestos-containing materials are not considered to be demolition waste for the purpose of this regulation.

Detachable Containers: Reusable containers that are mechanically loaded or handled such as a "dumpster" or drop box.

Disposable Containers: Containers that are used once to handle solid waste such as plastic bags, cardboard boxes and paper bags.

Disposal or Deposition: The discharge, deposit, injection, dumping, leaking or placing of any solid waste into or on any land or water.

Disposal Site: The location where any final treatment, utilization, processing or deposition of solid waste occurs. See also the definition of interim solid waste handling site.

Drop Box Facility: A facility used for the placement of a detachable container, including the area adjacent for necessary entrance and exit roads, unloading and turnaround areas. Drop box facilities normally serve the general public with loose loads and receive waste from off-site. Drop box facilities may also include containers for separated recyclables.

Ecology: The Washington State Department of Ecology.

Emission: The release of air contaminants from solid waste into the outdoor atmosphere.

Energy Recovery: The recovery of energy in a usable form from mass burning or refuse derived fuel incineration, pyrolysis or any other means of using the heat of combustion of solid waste that involves high temperature (above 1,200 degrees Fahrenheit) processing.

EPA: The United States Environmental Protection Agency.

Existing Facility: A facility which is owned or leased, and in operation, or for which construction has begun, on or before the effective date of Chapter 173-304 WAC, *Minimum Functional Standards for Solid Waste Handling*, or Chapter 173-351 WAC, *Criteria for Municipal Solid Waste Landfills*, and the owner or operator has obtained permits or approvals necessary under federal, state and local statutes, regulations and ordinances. A facility has commenced construction if either:

1. A continuous on-site physical construction program has begun; or
2. The owner or operator has entered into contractual obligations that cannot be canceled or modified without substantial financial loss for physical construction of the facility to be completed within a reasonable time.

Lateral extensions of a landfill's active area on land purchased and permitted by the Health District for the purpose of landfilling before the effective date of Chapter 173-304 WAC or Chapter 173-351 WAC shall be considered existing facilities.

Expanded Facility: A facility adjacent to an existing facility for which the land is purchased and approved by the Health Officer after the effective date of Chapter 173-304 WAC, *Minimum Functional Standards for Solid Waste Handling*, or Chapter 173-351 WAC, *Criteria for Municipal Solid Waste Landfills*. A vertical expansion approved and permitted by the Health District after the effective date of Chapter 173-304 WAC shall also be considered an expanded facility.

Extremely Hazardous Waste: Those dangerous and mixed wastes designated in WAC 173-303-070 through 173-303-100 as extremely hazardous.

Facility: All contiguous land (including buffer zones) and structures, other appurtenances, and improvements on the land used for solid waste handling.

Final Treatment: The act of processing or preparing solid waste for disposal, utilization, reclamation or other approved method of use.

Free Liquids: Any waste material that produces measurable liquids when the Paint Filter Liquids Test, Method 9095 of EPA Publication Number SW-846, *Test Methods for Evaluating Solid Wastes Physical/Chemical Methods*, is used.

Garbage: Unwanted animal and vegetable wastes and animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, swill and carcasses of dead animals, and of such a character and proportion as to be capable of attracting or providing food for vectors, except sewage and sewage sludge.

Ground Water: That part of the subsurface water which is in the zone of saturation.

Hazardous Substance: Any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical or biological properties described in WAC 173-303-090 or WAC 173-303-100.

Health District: The Bremerton-Kitsap County Health District.

Health Officer: The Health Officer or the Health Officer's representative, of the Bremerton-Kitsap County Health District.

Imminent and Substantial Danger: An actual, threatened, or potential harm to health or the environment. A danger is imminent if present conditions indicate it is likely to happen without delay. It is not necessary for danger to be immediate or tantamount to an emergency, but the risk of harm should be immediate. Danger is “substantial” if there is reasonable cause for concern that health or the environment may be seriously harmed. It is not necessary for the risk to be quantified.

Incineration: Reducing the volume of solid wastes by use of an enclosed device using controlled flame combustion.

Industrial Solid Wastes: Solid waste or waste by-products generated by manufacturing or industrial processes such as scraps, trimmings, packing, pallets, and other discarded materials not otherwise designated as dangerous waste under Chapter 173-303 WAC, *Dangerous Waste Regulations*.

Inert Wastes: Non-combustible, non-dangerous solid wastes that are likely to retain their physical and chemical structure under expected conditions of disposal, including resistance to biological attack, chemical attack from acidic rainwater, and have sufficient structural integrity and strength to prevent settling and unstable situations under expected conditions of storage or disposal. Solid wastes presumed to meet the criteria for inert waste include:

1. Uncontaminated (including unpainted) cured concrete used for structural and construction purposes, including imbedded steel reinforcing, that was produced from mixtures of Portland cement and sand, gravel, or other similar substances;
2. Uncontaminated, used asphaltic material that was used for structural and construction purposes (e.g., roads, dikes, paving) that was produced from mixtures of petroleum asphalt, sand, gravel or other similar material;
3. Uncontaminated brick and masonry used for structural and construction purposes;
4. Uncontaminated ceramic materials produced from fired clay or porcelain; and
5. Uncontaminated glass.

Interim Solid Waste Handling Site: An interim treatment, utilization or processing site engaged in solid waste handling which is not the final site of disposal. Transfer stations, drop boxes, baling and compaction sites, source separation centers and treatment are considered interim solid waste handling sites.

Junk Vehicle: A vehicle certified under RCW 46.55.230 as meeting at least three of following requirements:

1. Three (3) years old or older;
2. Extensively damaged, such damage including but not limited to the following: a broken window or windshield, or missing wheels, tires, motor, or transmission;
3. Apparently inoperable; and/or
4. Has approximate fair market value equal only to the approximate value of the scrap in it.

Laboratory: A room or building equipped for scientific experimentation, research, testing or clinical studies of specimens, fluids, tissues, cultures or stocks of etiologic agents and associated biologicals or other biologically active agents.

Land Clearing Waste: Waste resulting from site clearing operations including, but not limited to, stumps, tree trunks, brush, sod and other vegetation and plant waste, and associated rocks, mud, sand, and other mineral waste.

Landfill: A disposal facility or part of a facility at which solid waste is permanently placed in or on land and which is not a landspreading disposal facility.

Landspreading Disposal Facility: A facility that applies sludge or other solid wastes onto, or incorporates solid waste into, the soil surface at greater than vegetative utilization and soil conditioners/immobilization rates.

Leachate: Water or other liquid that has been contaminated by dissolved or suspended materials due to contact with solid waste or gases therefrom.

Limited Purpose Landfill: A landfill that receives solid waste of limited types, known and consistent composition, or other types of solid wastes not provided for under this regulation.

Liquid: A substance that flows readily and assumes the form of its container, but retains its independent volume.

Liquid Waste: Any waste material that is determined to contain free liquids as defined by Method 9095 (Paint Filter Liquids Test), as described in U.S. Environmental Protection Agency publication SW-846, *Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods*.

Lower Explosive Limits (LEL): The lowest percentage by volume of a mixture of explosive gases which will propagate a flame in air at twenty-five (25) degrees Centigrade and atmospheric pressure.

Manifest: The shipping document, which is used to identify the quantity, composition, origin, routing, and destination of a waste while it is being transported to a point of transfer, disposal, treatment, or storage.

Medical Waste: All the biomedical and injurious waste originating from a medical, veterinary or intermediate care facility.

Minimum Functional Standards (MFS): Chapter 173-304 WAC, *Minimum Functional Standards for Solid Waste Handling*.

Mixed Waste: A dangerous, extremely hazardous, or acutely hazardous waste that contains both a non-radioactive hazardous component and, as defined by 10 CFR 20.1003, source, special nuclear, or by-product material subject to the Atomic Energy Act of 1954 (42 USC 2011 et seq.).

Moderate Risk Waste (MRW): Any dangerous waste that is exempt from regulation under Chapter 173-303 WAC, solely because the waste is generated by a household or by a business in quantities below the threshold for regulation.

Moderate Risk Waste Collection Facility: A dedicated site that is specifically built at a permanent or interim fixed location to collect, treat, recycle, exchange, store, and/or transfer moderate risk waste.

Municipal Solid Waste Landfill Unit (MSWLF Unit): A discrete area of land or an excavation that receives household waste, and that is not a land application unit, surface impoundment, injection well, or waste pile, as those terms are defined under Chapter 173-351 WAC, *Criteria for Municipal Solid*

Waste Landfills, or Chapter 173-218 WAC, *Underground Injection Control Program*. A MSWLF unit also may receive other types of Resource Conservation Recovery Act (RCRA) Subtitle D wastes, such as commercial solid waste, non-dangerous sludge, and industrial solid waste. Such a landfill may be publicly or privately owned. A MSWLF unit may be a new MSWLF unit, an existing MSWLF unit, or a lateral expansion.

New Facility: A facility, which begins operation or construction after the effective date of Chapter 173-304 WAC, *Minimum Functional Standards for Solid Waste Handling*, or Chapter 173-351 WAC, *Criteria for Municipal Solid Waste Landfills* (see also definition of "Existing Facility").

Nonconforming Solid Waste Handling Facility: A solid waste handling facility which does not currently comply with the facility requirements of WAC 173-304-400, *Solid Waste Handling Facility Standards*, but does comply with a compliance schedule in a solid waste permit issued by the Health Officer.

Nuisance: Consists in unlawfully doing an act, or omitting to perform a duty, which act or omission either annoys, injures or endangers the comfort, repose, health or safety of others; or unlawfully interferes with, obstructs or tends to obstruct, any lake or navigable river, bay, stream, canal or basin, or any public park, square, street or highway; or in any way renders other persons insecure in life, or in the use of property.

Permit: An authorization issued by the Health Officer which allows a person to perform solid waste handling activities at a specific location or to perform solid waste collection services, and which includes specific conditions for such facility or collection service operations.

Person: An individual, business firm, association, co-partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

Pile: Any non-containerized accumulation of solid waste that is used for treatment or storage.

Plan of Operation: The written plan developed by an owner or operator of a facility, and approved by the Health District and Ecology, detailing how a facility is to be operated during its active life and during closure and post-closure.

Point of Compliance: The point of compliance for facilities subject to the standards in Chapter 173-304 WAC, shall be that part of ground water that lies beneath the perimeter of a solid waste facility's active area as that active area would exist at closure of the facility. The point of compliance for municipal solid waste landfills subject to the standards in Chapter 173-351 WAC shall be that point located on land owned by the owner of the MSWLF unit, and is no more than one-hundred fifty (150) meters or four-hundred ninety-two (492) feet from the waste management unit boundary in accordance with WAC 173-351-300.

Post-Closure: The requirements placed upon disposal facilities after closure to ensure their environmental safety for at least a twenty-year period or until the site becomes stabilized (i.e., little or no settlement, gas production, or leachate generation). For municipal solid waste landfills, post-closure means those actions taken by an owner or operator of a facility or municipal solid waste landfill unit after closure.

Premises: A tract or parcel of land with or without habitable buildings.

Problem Wastes:

1. Any solid material removed during a remedial action, a dangerous waste site closure, other cleanup efforts, or other actions, which contain hazardous substances, but are not designated dangerous wastes;
2. Dredge spoils resulting from the dredging of surface waters of the state where contaminants are present in the dredge spoils at concentrations not suitable for open water disposal and the dredge spoils are not dangerous wastes and are not regulated by Section 404 of the Federal Clean Water Act (PL 95-217); or
3. Waste abrasive blasting grit or other material used in abrasive blasting. Common aggregates include, but are not limited to silica sand, utility slag or copper slag. Waste abrasive blasting grit does not include blasting grit that will be reused for its intended purpose.

Processing: An operation to convert a solid waste into a useful product or to prepare it for disposal.

Putrescible Waste: Solid waste that contains material capable of being decomposed by micro-organisms.

Pyrolysis: The process in which solid wastes are heated in an enclosed device in an oxygen-deficient environment to vaporization, producing a hydrocarbon-rich gas capable of being burned for recovery of energy.

Recyclable Materials: Materials that can be separated from the solid waste stream or that can be reused or reprocessed including, but not limited to, paper and paperboard products, newsprint, cardboard, magazines, aluminum, glass, plastics, chemicals, oil, wood, compostable organics (food, yard and land clearing wastes), scrap metal, waste tires, construction and demolition debris, gypsum wallboard, and inert material in conformance with the Kitsap County Comprehensive Solid Waste Management Plan.

Recycling: The source separation of recyclable materials from solid waste or the processing of solid waste mechanically or by hand to segregate recyclable materials for sale or reuse and/or the transforming or re-manufacturing of waste materials into usable or marketable materials for use other than disposal.

Remedial Action: Any action to identify, eliminate or minimize any threat posed by hazardous substances to human health or the environment including any investigative and monitoring activities with respect to any release or threatened release of a hazardous substance and any health assessment or health effects studies conducted to determine the risk or potential risk to human health.

Reusable Containers: Containers that are used more than once to handle solid waste such as garbage cans.

Rubbish: All non-putrescible wastes from all public and private establishments and from all residences.

Run-Off: Any rainwater, leachate or other liquid that drains over land from any part of the facility.

Run-On: Any rainwater or other liquid that drains over land onto any part of a facility.

Scavenging: The removal of materials at a disposal site, or interim solid waste handling site without the approval of the owner or operator and the Health Officer.

Septage: The mixture of solid wastes, scum, sludge, and liquids pumped from within septic tanks, pump chambers, holding tanks, and other on-site sewage system components.

Sewage Sludge: A solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed during primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.

Sewage Treatment Works: Any device or system that is used in the treatment of recycling or reclamation of sewage and/or liquid industrial wastes. This then includes sewers, pipes or other conveyances only if they convey wastewater to a sewage treatment works.

Sludge: A semi-solid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials, generated from a wastewater treatment system or other source.

Small Quantity Generator (SQG): A business that generates and/or accumulates dangerous waste at or below the current “quantity exclusion limits” (QELs) established by WAC 173-303-070.

Solid Waste: All putrescible and non-putrescible solid and semi-solid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, construction and demolition wastes, land clearing wastes, junk vehicles or parts thereof, and discarded commodities. This includes all liquid, solid and semi-solid, materials that are not the primary products of public, private, industrial, commercial, mining and agricultural operations. Solid waste also includes, but is not limited to, woodwaste, dangerous waste, and problem wastes. Municipal sewage sludge or septage is a solid waste when placed in a municipal solid waste landfill subject to the requirements in Chapter 173-351 WAC, *Criteria for Municipal Solid Waste Landfills*, Chapter 173-308 WAC, *Biosolids Management*, and a solid waste handling permit issued by the Health Officer.

Solid Waste Collection Service: Any agency, business, or service operated by a person for the purpose of collecting and transporting solid waste.

Solid Waste Handling: The management, storage, collection, transportation, treatment, utilization, processing or final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from such wastes or the conversion of the energy in such wastes to more useful forms or combinations thereof.

Solid Waste Management: The systematic administration of activities which provide for the collection, source separation, storage, transportation, transfer, processing, treatment and disposal of solid waste.

Storage: The holding of solid waste materials for a temporary period.

Stream: The point at which any confined freshwater body of surface water reaches a mean annual flow of twenty (20) cubic feet per second.

Surface Impoundment: A facility or part of a facility which is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (although it may be lined with manmade materials), and which is designed to hold an accumulation of liquids or sludges. The term includes holding, storage, settling and aeration pits, ponds or lagoons, but does not include injection wells.

Surface Water: All lakes, rivers, ponds, streams, inland waters, saltwaters, wetlands and all other surface water and water courses within the jurisdiction of the State of Washington.

Transfer Station: A permanent, fixed, supplemental collection and transportation facility, used by persons and route collection vehicles to deposit collected solid waste from off-site into a larger transfer vehicle for transport to a solid waste handling facility. Transfer stations may also include recycling facilities.

Treatment: The physical, chemical or biological processing of solid waste to make such solid wastes safer for storage or disposal, amenable for energy or material resource recovery or reduced in volume.

Used Oil:

1. Lubricating fluids that have been removed from an engine crankcase, transmission, gearbox, hydraulic device, or differential of an automobile, truck, bus, vessel, plane, heavy equipment, or machinery powered by an internal combustion engine; or
2. Any oil that has been refined from crude oil, used, and as a result of use, has been contaminated with physical or chemical impurities; or
3. Any oil that has been refined from crude oil and, as a consequence of extended storage, spillage, or contamination, is no longer useful to the original purchaser; and
4. Used oil does not include oil to which dangerous wastes have been added, or oil that would otherwise be considered used oil except that it is used as a fuel in a industrial furnace which meets the emission standards of the Puget Sound Clean Air Agency.

Utilization: Consuming, expending or exhausting by use, solid waste materials.

Vector: A living animal, insect or other arthropod that transmits an infectious disease from one organism to another.

Waste Tires: Tires that are no longer suitable for their intended purpose because of wear, damage or defect. Waste tires include used tires that were originally intended for use on public highways that are considered unsafe in accordance with RCW 46.37.425. Waste tires also include quantities of used tires that may be suitable for their original intended purpose when mixed with waste tires. Waste tires do not include tire-derived products.

Waste Tire Carrier: A business that transports waste tires over public roads for the purpose of storage, recycling or final disposal. This includes all persons engaged in the business of transporting waste tires except:

1. Any person transporting five tires or less;
2. Any person transporting used tires back to a retail outlet for repair or exchange;
3. Any person transporting waste tires that are incidental to the material being transported;

4. The United States, the state of Washington or any local government or its agent, when involved in the clean-up of illegal waste tire piles; or
5. Tire retailers associated with retreading facilities who use company-owned vehicles to transport waste tires for the purpose of retreading.

Waste Tire Storage Facility: Any facility that stores more than eight hundred (800) waste tires at any one time, except when stored in a totally enclosed building.

Woodwaste: Solid waste consisting of wood pieces or particles generated as a by-product or waste from the manufacturing of wood products, handling and storage of raw materials and trees and stumps. This includes, but is not limited to, sawdust, chips, shavings, bark, pulp, hog fuel and log sort yard waste, but does not include wood pieces or particles containing chemical preservatives such as creosote, pentachlorophenol or copper-chrome-arsenate.

Yard Waste: A compostable organic material generated in yards, gardens, and private or public areas resulting from the maintenance or removal of ornamental vegetation, including, but not limited to, brush, branches, prunings, grass, leaves, flowers, shrubs, and small trees. Yard waste shall not include land clearing wastes, construction and demolition wastes, woodwaste, animal excrement, rocks, garbage, moderate risk waste, or dangerous waste.

SECTION IV. ON-SITE SOLID WASTE MANAGEMENT STANDARDS

A. General Standards

1. Owner Responsibilities for Solid Waste.

The owner, operator or occupant of any premises, business establishment or industry shall be responsible for the satisfactory and legal handling and/or disposal of all solid waste generated by them or accumulated on the property. Except as provided in Sections IV.B.6. and IV.B.7., single-family residences and single-family farms are prohibited from dumping or depositing solid waste onto or under the surface of land owned or leased by them. All solid wastes must be stored in accordance with Section IV.A.2. until removed to a permitted solid waste handling facility.

2. Storage Requirements.

- a. **Responsibility.** The owner and/or occupant of any premises shall be responsible for the safe and sanitary storage of all solid wastes generated or accumulated at that premises until it is removed to a permitted solid waste facility. The storage area and storage containers shall be maintained in a clean, safe, and nuisance-free condition. Provisions shall be made for the safe and sanitary disposal of leakage and drainage from sanitary compactors, drop boxes, and storage areas. Materials shall be contained to prevent blowing. Additionally, generators should refer to Section IV.B. pertaining to specific solid waste handling requirements.
- b. **On-Site Storage.**
 - (1) The owner, operator or occupant of any premises, business establishment or industry shall store all garbage and rubbish in containers that meet the following requirements, except for recyclables which are addressed in Section IV.A.2.b.(3):

- (A) Disposable containers shall be sufficiently strong to allow lifting without breakage and shall be thirty-two (32) gallons in capacity or less where manual handling is practiced;
 - (B) Reusable containers, except for detachable containers, shall be:
 - (i) Rigid and durable;
 - (ii) Corrosion resistant;
 - (iii) Nonabsorbent and watertight;
 - (iv) Rodent-proof and easily cleanable;
 - (v) Equipped with a close-fitting cover;
 - (vi) Suitable for handling with no sharp edges or other hazardous conditions; and
 - (vii) Equal to or less than thirty-two (32) gallons in volume where manual handling is practiced.
 - (C) Detachable containers shall be durable, corrosion-resistant, nonabsorbent, non-leaking and having either a solid cover or screen cover to prevent littering.
 - (D) The Health Officer may require disinfection of any container. Containers shall be cleaned frequently to prevent rodent/vector nuisances. All wastewater from container cleaning shall be disposed of in a sanitary sewer system, unless otherwise authorized by the Health Officer.
 - (E) Any litter container required and approved pursuant to the *Model Litter Control Act*, Chapter 70.93 RCW, shall be exempt from the provisions of this section.
- (2) Containers of garbage and rubbish shall be closed at all times except when waste is being added or removed.
 - (3) The owner, operator or occupant of any premises, business establishment or industry shall store all recyclable materials so as not to produce unsafe or unsanitary conditions.

3. Removal.

Garbage shall be removed from the premises where it was generated to a permitted solid waste handling facility at a frequency that does not create a nuisance or litter problem, or at a frequency otherwise approved by the Health Officer. The Health Officer may require any person who does not store, remove, transport, or dispose of garbage consistent with these regulations, or who stores garbage so as to create a nuisance or litter problem, to remove garbage from the premises where it was generated by that person to a permitted solid waste handling facility no less frequently than once per week. Rubbish shall be removed to a permitted solid waste handling facility as needed so as not to create a nuisance or litter problem.

4. Collection and Transportation.

- a. All persons collecting or transporting solid waste shall prevent littering or the creation of

other nuisances at the loading point, during transport, and shall be responsible for the proper unloading of the solid waste at a permitted transfer station or other permitted solid waste handling or disposal site. Non-containerized solid waste and recyclable materials shall be covered during transport to prevent spillage.

- b. Vehicles or containers used for the collection and transportation of solid waste, except biomedical waste, shall be tightly covered or screened where littering may occur, durable, and of easily cleanable construction. Where garbage is being collected or transported, containers shall be cleaned and kept in good repair as necessary to prevent nuisances, odors and insect breeding.
- c. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom. Where such spillage or leakage does occur, the waste shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area otherwise properly cleaned.
- d. The Health Officer may require disinfection of any vehicle. Vehicles shall be cleaned frequently to prevent rodent/vector nuisances. All wastewater from vehicle cleaning shall be disposed of in a sanitary sewer system, unless otherwise authorized by the Health Officer.

5. Disposal.

- a. Generally. All solid wastes shall be disposed of at an appropriate solid waste handling facility permitted to receive such waste, or in a manner consistent with these regulations as approved by the Health Officer. Should a situation arise where disposal of solid waste is not covered under these regulations, the Health Officer shall determine acceptability of a method of disposal for the solid waste on a case-by-case basis.
- b. Unlawful Dumping. It shall be unlawful for any person to dump, deposit, bury, or allow the dumping, depositing or burying of any solid waste onto or under the surface of the ground or into the waters of this state, except at a solid waste disposal site for which there is a valid permit. Unlawful dumping shall include unauthorized deposition of solid waste into a container that is owned or leased by another person.
- c. Name Appearing on Waste Material and Presumption. Whenever solid waste dumped in violation of this regulation contains three (3) or more items bearing the name of one individual, there shall be a presumption that the individual whose name appears on such items committed the unlawful act of dumping.
- d. Identification Presumed. When the Health Officer investigates a case of unlawful dumping and finds identification in the solid waste as described in Section IV.A.5.c., or other evidence, he/she may then order the person who committed the unlawful dumping to remove and dispose of said solid waste according to these regulations. Following the disposal of said solid waste, the Health Officer may order this person to present to the Health Officer a receipt from the permitted disposal facility as proof of appropriate disposal.
- e. Lack of Identification. When the Health Officer investigates a case of unlawful dumping and finds no identification in the solid waste, nor evidence, he/she may then order the

property owner to remove said solid waste from his/her land, and have the solid waste disposed of according to these regulations. Where this occurs on private land, the property owner or occupant shall be responsible for removal and disposal. Where this occurs on public land, the appropriate governmental agency shall be responsible for removal and disposal.

- f. Burning Prohibited. It shall be unlawful for any person to burn solid waste including garbage or rubbish unless these materials are burned in an appropriate permitted energy recovery or incinerator facility. The burning of land clearing debris and the residential burning of natural vegetative matter is regulated under Chapter 173-425 WAC, *Outdoor Burning*.
 - g. Disposal Service Required. When a person does not dispose of solid wastes in a manner consistent with these regulations, the Health Officer may order said person to obtain ongoing and regularly scheduled solid waste collection service if said person does not already have this service and if a solid waste collection service exists or is offered in the geographic area where the person resides. Said service shall be from a solid waste collection service holding a Solid Waste Handling Permit issued by the Health District and necessary certificates issued by the Washington Utilities and Transportation Commission. If said person does not have this service and resides in a geographic area where a single solid waste collection service operates exclusively under covenant or ordinance as required by local government, and said service is mandatory for persons residing within the jurisdiction of the local government, the Health Officer may schedule ongoing regularly scheduled service for said person with this solid waste collection service. If service is cancelled through nonpayment, it will be deemed a violation of this section.
 - h. Disposal Receipts Required. Any person in violation of this section to whom a notice and order to correct violation has been issued is required to produce receipts from a permitted solid waste disposal, recycling and/or reclamation facility or solid waste transporter to demonstrate compliance with the notice and order to correct violation issued by the Health District.
6. Construction Standards and Public Notification Near Landfills.
- a. Construction Requirements.
 - (1) Methane Protection.
 - (A) Any person constructing or developing any area within one-thousand (1,000) feet of the active area of an active, closed, or abandoned landfill shall provide documentation that demonstrates that levels of methane gas within this one-thousand (1,000) foot zone are below the lower explosive limits (LEL) under all conditions. A description of the investigation methodology, all analytical data, and conclusions shall be presented in a report submitted by a licensed professional engineer or professional geologist to the Health Officer and the local building department for review and approval. Copies of this report shall also be provided to the Washington Department of Ecology and the Puget Sound Clean Air Agency; and
 - (B) Any person constructing or developing any area within one-thousand (1,000) feet of the active area of an active, closed, or abandoned landfill shall provide

documentation that demonstrates that all enclosed structures are protected from potential methane migration. The method for ensuring a structure's protection from methane shall be addressed in a report submitted by a licensed professional engineer to the Health Officer and the local building department for approval. Such a report shall contain a description of the mitigation measures to prevent the accumulation of explosive concentrations of methane gas within or under enclosed portions of a building or structure. At the time of final inspection, the engineer shall furnish a signed statement attesting that the building or structure has been constructed in accordance with his/her recommendations for addressing methane gas migration.

(C) The Health Officer may grant a variance to the requirements in Section IV.A.6.a.(1)(B) above, based on a review of data submitted pursuant to preceding Section IV.A.6.a.(1)(A).

- (2) Stormwater. To minimize erosion impacts and leachate generation, no person shall detain stormwater on a closed or abandoned landfill. Stormwater may be conveyed across a closed or abandoned landfill if the conveyance system has been engineered to prevent the percolation of stormwater into the landfill.
- (3) Construction within the Active Area of the Landfill. No person shall construct within the active area of a closed or abandoned landfill without first having submitted detailed engineering plans documenting how potential hazards will be controlled. Potential hazards include, but are not limited to, subsidence, methane, odor problems, hazards associated with subsurface utility installation, and leachate generation. A qualified, licensed Professional Engineer (PE) shall sign such plans. These plans must be submitted for review and approval to the jurisdictional building department and the Health District, or the Health District's designated representative.
- (4) Groundwater Supply Wells. No person shall construct a groundwater supply well within one-thousand (1,000) feet of an active, closed, or abandoned landfill property boundary without a formal request for variance as outlined in Chapter 173-160 WAC, *Minimum Standards for the Construction and Maintenance of Wells*, and Bremerton-Kitsap County Board of Health Ordinance 1999-6, *Rules and Regulations for Private and Public Water Supplies*.

b. Notification Requirements for Owners of Landfills. All owners of active, closed, or abandoned landfills shall:

- (1) File a Notice to Title with the County Assessor's office noting the presence of a landfill on the tax parcel within one-hundred and eighty (180) days of the effective date of these regulations.
- (2) Disclose the presence of an active, closed, or abandoned landfill to all prospective purchasers of the property.

B. Specific Waste Stream Standards

1. Animal Waste.

- a. Animal waste, including but not limited to, manure, dead animals and agricultural wastes,

shall be disposed of in a manner consistent with these regulations, or other method approved by the Health Officer.

- b. Any animal waste that is deemed biomedical waste as defined in Section III. shall be handled, treated, and disposed of as required in Section IV.B.3.
- c. Animal Manure.
 - (1) Animal manure shall not be deposited, or allowed to accumulate, in any ditch, gulch, ravine, river, stream, lake, pond, marine water, or upon the surface of the ground, or on any highway or road right of way, where it may become a nuisance or menace to health, as determined by the Health Officer, through the breeding of flies, harboring of rodents, or pollution of water. Manure shall not be allowed to accumulate in any place where it can pollute any source of drinking water.
 - (2) Any person in violation of Section IV.B.1.c.(1) shall implement a Waste Management Plan approved by the Kitsap Conservation District or the United States Department of Agriculture Natural Resources Conservation Service. Any person in violation of this subsection may, in lieu of implementing a Waste Management Plan, remove all manure-producing animals from the property.
- d. Dead Animals. Except as otherwise provided in Section IV.B.3., dead animals shall be disposed of in a manner to protect the public health and the environment. Their disposal shall be consistent with local codes. Animals weighing fifteen (15) pounds or greater shall be taken to a rendering plant, a veterinary clinic, an animal shelter, pet cemetery, or can be disposed of directly at permitted operating landfills or transfer stations so as not to create a nuisance. Property owners may bury dead animals on their property, so long as no nuisance is created. If the dead animal is buried, it shall be placed so that every part shall be covered by at least two (2) feet of earth and at a location not less than one-hundred (100) feet from any well, spring, stream, or other surface waters, and in a place not subject to overflow. In all cases of death from communicable disease, the dead animal, if disposed of by burial, shall first be thoroughly enveloped in unslaked lime.
- e. Pet Feces. Pet feces, especially dog droppings, shall be disposed of in a manner, such as burial, or bagging and placement into containers described in Section IV.A.2.b., which does not create a nuisance or pollute surface waters of the state. Pet feces shall not be disposed of into the sanitary sewer unless approved by the sewer purveyor. This waste shall not be put into a storm sewer or on-site sewage system.

2. Asbestos-Containing Waste.

- a. General. Asbestos-containing waste material (ACWM), as defined in Section III., shall be handled and disposed of pursuant to 40 CFR Part 61, *National Emission Standards for Hazardous Air Pollutants*, Chapter 173-303 WAC, *Dangerous Waste Regulations*, Puget Sound Clean Air Agency Regulation III Article 4, and Chapter 296-65 WAC, *Asbestos Removal and Encapsulation*.
- b. Removal. Persons removing ACWM shall contact the Puget Sound Clean Air Agency for information and instruction concerning removal and disposal. ACWM must be wetted down during removal to reduce airborne emissions of particulate matter. ACWM shall be

sealed into leak tight containers or placed in one or more plastic bags with a combined six (6) mils thickness or greater and identified with the proper warning label.

- c. Disposal. The ACWM shall be disposed of in accordance with 40 CFR Part 61, *National Emission Standards for Hazardous Air Pollutants*, at a facility permitted to receive such wastes, in accordance with an approved operations plan, and covered with at least fifteen centimeters (6 inches) of non-asbestos containing waste material immediately following disposal.

3. Biomedical Waste.

- a. Applicability. This regulation applies to all persons who generate biomedical waste including, but not limited to, hospitals, medical and dental clinics, medical laboratories, nursing or intermediate care facilities, veterinary facilities and other institutions which may generate biomedical wastes as defined in Section III., without regard to the quantity of biomedical waste produced per month.
- b. Storage and Handling.
 - (1) Containment of biomedical waste shall be in a manner and location which affords protection from animals, rain and wind and does not provide a breeding place or a food source for insects or rodents.
 - (2) Biomedical wastes shall be segregated from the general medical waste stream at the point of origin and stored in separate containers. When possible, biomedical wastes should be rendered non-infectious through chemical or physical treatment procedures as approved by the facility's site safety officer.
 - (3) Biomedical waste, except for sharps, shall be contained in disposable leakproof containers having strength to prevent ripping, tearing or bursting under normal conditions of use. The containers shall be secured to prevent leakage or expulsion of solid or liquid waste during storage, handling or transport. The containers can be of any color and shall be conspicuously labeled with the international biohazard symbol, and the words "Biohazardous Waste" or words that clearly denote the presence of biomedical waste.
 - (4) All sharps, including home-generated sharps, shall be contained in leak-proof, rigid, puncture resistant, break resistant containers that are labeled and tightly lidded during storage, handling and transport. These containers must be capable of maintaining their structural integrity from the point of storage to deposition at an approved disposal or collection site. The containers shall be of any color and shall be conspicuously labeled with the international biohazard symbol, and the words "Biohazardous Waste" or words that clearly denote the presence of biomedical waste.
 - (5) Reusable Containers.
 - (A) Reusable containers for biomedical waste storage, handling or transport shall be thoroughly washed and decontaminated by a method approved by the Health Officer each time they are emptied, unless the surfaces of the containers have been protected from contamination by disposable liners, bags or other devices removed with the waste.

- (B) Approved methods of decontamination are agitation to remove visible solid residue combined with chemical disinfection. Chemical disinfectants should be used in accordance with the manufacturer's recommendations or by disinfectant concentration/contact times approved in writing by the Health Officer. Other decontamination methods may be approved in writing by the Health Officer.
 - (C) Reusable pails, drums or bins used for containment of biomedical waste shall not be used for any other purpose except after being disinfected by procedures as described in this regulation and after the international biohazard symbol and the words "Biohazardous Waste" are removed.
- (6) The handling and storage of all biomedical waste must prevent the dissemination of biomedical waste into the environment.
 - (7) Trash chutes shall not be used to transfer biomedical waste.
 - (8) Biomedical waste, except sharps, shall not be placed into the general waste stream unless contained or treated as provided in these regulations.
 - (9) Sharps shall not be placed into the general waste stream unless contained as required in these regulations.
- c. Disposal.
- (1) All biomedical waste that has been contained as described in Section IV.B.3.b. shall be disposed of at a solid waste handling facility permitted to receive such waste.
 - (2) All human or animal body parts, fetuses, and other pathological specimens shall be disposed of either by appropriate interment, incineration or other method approved by the Health Officer.
 - (3) Untreated liquid and liquefied biomedical waste may be disposed of by release into a sanitary sewage system, if this practice is approved by the providing sewer utility, provided that the Health Officer shall have the authority to require the treatment of any biomedical liquid, according to requirements specified by the Health Officer, prior to release into a sanitary sewage system if deemed necessary to protect the public health.
 - (4) Biomedical waste shall be disposed of on a regular basis to avoid nuisance conditions. If any nuisance condition exists, the Health Officer shall have the authority to require a specific disposal or collection frequency.
 - (5) Home-generated biomedical waste is exempt from the provisions of Section IV.B.3., except for home-generated sharps that must be contained in accordance with Section IV.B.3.b. (4), if prepared for disposal by a means that protects medical handlers, solid waste workers and the public from injury. The disposal of home-generated sharps shall be limited to the following methods unless prohibited by the requirements of Chapter 70.95K RCW, *Biomedical Wastes*:
 - (A) Depositing properly contained sharps at a medical facility that has agreed to accept home generated sharps.

- (B) Depositing properly contained sharps at a pharmacy that provides a program to dispose of sharps waste and that meets the requirements of these regulations.
 - (C) Using a permitted biomedical waste collection service.
 - (D) Depositing sharps in the regular household garbage, provided that they are contained in accordance with Section IV.B.3.b.(4).
 - (E) Other methods approved by the Health Officer.
- d. **Transfer of Biomedical Waste.** Any biomedical waste generator who produces more than one-hundred (100) pounds of untreated biomedical waste per month, shall have said waste collected and transported by a permitted biomedical waste collection service.
 - e. **Inspection.** The Health Officer shall have the authority to inspect any biomedical waste generator, at any reasonable time, to determine if the generator's biomedical waste is being handled, stored, and disposed of in accordance with this regulation, or to determine if the waste generator's solid waste is being disposed of in accordance with this regulation.
 - f. **Disposal Service Required.** When a person does not dispose of biomedical waste in a manner consistent with these regulations, the Health Officer may order said person to obtain ongoing and regularly scheduled biomedical waste collection and disposal service if said person does not have this service and if commercial biomedical waste collection and disposal service exists in or is offered in the geographic areas where the person resides. Said service shall be from a biomedical waste collection and disposal service holding a Solid Waste Handling Permit issued by the Health District.
4. **Bulky Waste.**
- Bulky wastes shall be stored and transported in such a manner so as not to create a nuisance or safety hazard. Recycling of bulky wastes is encouraged where programs have been established to accept them. If recycling is not feasible, these wastes shall be taken directly to a disposal site permitted to accept oversized waste. Land clearing bulky waste such as tree stumps, trees, portions of buildings and other waste shall be transported directly to a transfer station or landfill designed and permitted to accept these bulky wastes; provided, that nothing herein shall prevent these wastes from being salvaged and/or used as firewood.
5. **Compost.**
- Composting of household food waste, grass clippings and/or other compostable material, shall be conducted in a manner which minimizes odors or emissions, does not create a nuisance, or attract rodents and/or other vectors. Single family residences and single family farms which are composting materials resulting from their own activities on the surface of land owned or leased by them, when such action does not create a nuisance, are exempt from the permit requirements in Section VI.M.
6. **Construction and Demolition Waste.**
- Generators of construction and demolition waste should source separate and recycle the material to the maximum extent practicable.

7. Dangerous Waste.

- a. All solid waste must be designated as required by WAC 173-303-070 to prevent the disposal of dangerous waste at a facility not permitted to accept dangerous waste. All solid waste that designates as dangerous waste must be managed in a manner consistent with these regulations and Chapter 173-303 WAC.
- b. The Health Officer may require the screening of any waste suspected of being a regulated dangerous waste as defined in Section III. The screening process may involve analytical testing, a disclosure of the waste constituents and waste generation process, and other additional information necessary to determine if the waste is dangerous. The Health Officer may establish a schedule for compliance as part of the screening process. Based on the results of the required screening, the Health Officer may require the generator or transporter to direct the waste to a facility permitted to handle such waste.

8. Moderate Risk Waste and Used Oil.

a. Storage Requirements.

- (1) Moderate Risk Waste (MRW), used oil, and hazardous substances shall be stored in containers which are:
 - (A) Compatible with the waste contained therein;
 - (B) In good condition and without any leaks, corrosion or other signs of deterioration;
 - (C) Securely covered at all times except during the addition or removal of contents; and
 - (D) In the case of hazardous substances which are unused products, stored in their original container.
- (2) Containers of MRW, used oil, and hazardous substances shall be stored on an impervious surface and in a location(s) that is covered and controlled to prevent:
 - (A) Container deterioration due to weather exposure;
 - (B) Surface water run-on;
 - (C) Exposure to extreme temperatures; and
 - (D) Any other controllable condition which may cause or increase the possibility of container failure.

- b. Accumulation. In addition to the quantity exclusion limits (QELs) for small quantity generators contained in WAC 173-303-070(8), MRW, used oil, and hazardous substances shall not be accumulated in quantities that, in the opinion of the Health Officer, present a threat to public health or the environment.
- c. Transportation. MRW and used oil shall be transported in accordance with Sections IV.A.4.a. through IV.A.4.c.

d. Treatment and Disposal.

- (1) Moderate Risk Waste. All MRW shall be transported to a permitted MRW collection facility, or picked up by a permitted dangerous waste transporter for treatment or disposal at a permitted facility. MRW may also be processed using an on-site treatment system approved by Ecology that renders the waste non-dangerous. MRW shall not be deposited in the general municipal solid waste collection system, a public sewer system, a storm drain, an on-site sewage system, in surface or ground water, or onto or under the surface of the ground.
- (2) Pesticides. Usable pesticides shall be utilized in accordance with the EPA approved label requirements, or shall be disposed of, as appropriate, at a permitted hazardous waste treatment, storage, or disposal facility, the Kitsap County Moderate Risk Waste Collection Facility, or through an approved Department of Agriculture collection event. Empty containers from canceled, suspended, or otherwise unusable pesticides should be disposed of as a hazardous waste or triple rinsed in accordance with the requirements under WAC 173-303-160(2)(b). Rinsate from a pesticide container must be reused in a manner consistent with its original intended purpose or disposed of as a hazardous waste under Chapter 173-303 WAC.
- (3) Used Oil. Used oil shall be recycled or disposed of at a facility permitted for that purpose, or as otherwise allowed by Ecology or the Health Officer. Used oil may be taken to service stations or similar facilities that collect used oil for subsequent reprocessing at a facility specifically permitted for that purpose.

e. Mitigation and Control. The person responsible for a spill or non-permitted discharge of MRW, used oil, and/or hazardous substances shall take appropriate and immediate action to protect public health and the environment, including any necessary measure required to prevent the spread of contamination. In addition, the person responsible for a spill or discharge shall:

- (1) Notify the Health District and, when an imminent threat to public health or the environment exists, call 911;
- (2) Clean up any released hazardous substance, or take such actions as may be required or approved by federal, state, or local officials; and
- (3) Meet applicable requirements of Section IV.B.7. as directed by the Health Officer.

9. Problem Waste.

- a. Screening. Persons excavating problem waste as defined in Section III., which is intended for upland fill in Kitsap County and which may contain a hazardous substance, endanger the public health, or adversely impact the environment, shall contact the Health Officer to determine the need for screening in accordance with Section IV.B.7.
- b. Management Options.
 - (1) Disposal. Problem waste can only be disposed of at a solid waste handling facility permitted to receive such waste.

- (2) Treatment. Problem wastes may be treated to remove contaminants and, following treatment, may be used as upland fill in Kitsap County if the treated waste is determined by the Health Officer not to be a problem waste.
- (3) Beneficial Reuse. Any person intending to beneficially reuse problem wastes must first contact the Health Officer to determine the appropriate reuse options.
- c. Waste Abrasive Blasting Grit Storage. Waste abrasive blasting grit shall be stored under cover in a manner that minimizes contact with process water or stormwater. Persons recycling waste abrasive blasting grit at a facility permitted to recycle such waste are exempt from the provisions of Section IV.B.9.b. of these regulations provided that the recycling facility enlists a process and produces a final product that does not endanger human health or the environment as a result of using said material.

10. Septage.

Septage must be disposed of directly into a sewage treatment works, licensed as such by Ecology, with the permission of and according to the requirements of the sewage treatment works or disposed of into an alternative treatment works or other process approved by the Health Officer. Septage of domestic quality, meeting all applicable requirements for biosolids under Chapter 173-308 WAC, *Biosolids Management*, may be beneficially reused by being applied to land as approved by the Health Officer on a case by case basis.

11. Small Quantity Generator Waste.

- a. Applicability. This section applies to small quantity generators (SQGs) as defined in Section III. In addition to the requirements of this section, SQGs must meet the storage requirements of Section IV.B.8.
- b. Waste Designation. SQGs shall designate suspected or known dangerous wastes pursuant to WAC 173-303-070 through WAC 173-303-100.
- c. Container Labeling. SQGs shall label all containers of MRW and used oil with the name of the waste and the major hazard(s) associated with the waste. Containers of MRW shall also be labeled with the words “hazardous waste” or “dangerous waste”, and the appropriate waste code or codes as specified in Chapter 173-303 WAC, *Dangerous Waste Regulations*.
- d. Secondary Containment. The Health Officer may require an SQG to provide secondary containment for liquid MRW and/or used oil stored on-site if the Health Officer determines that there is a potential threat to public health or the environment due to the nature of the wastes being accumulated, the location of accumulation, or due to a history of spills or releases from accumulation containers. When required under this section, a secondary containment system must be durable, compatible with the waste it is meant to contain, and large enough to contain a volume equal to ten (10) percent of all containers, or one hundred and ten percent (110 %) of the largest single container, whichever is greater.
- e. Hazardous Materials Management Plans. If an SQG has violated any part of this regulation, the Health Officer may require the SQG to prepare and follow a written Hazardous Materials Management Plan approved by the Health District and in a format prescribed by the Health District.

12. Waste Tires.

- a. Waste Tire Transport. Waste tire carriers shall subject to the requirements in Section V.B.3.
- b. Waste Tire Storage.
 - (1) Any person who is engaged in the outdoor storage of more than eight-hundred (800) waste tires shall be subject to the requirements in Section VI.I. and Chapter 173-314 WAC, *Waste Tires Carrier and Storage Site Licenses*.
 - (2) Persons engaged in the outdoor storage of less than eight hundred (800) waste tires shall store these tires in a manner that does not create a nuisance.
- c. Use of Permitted Carrier or Facility Operator. No person shall enter into a contract, or use services, for the transportation, storage, or disposal of waste tires, with a carrier or facility operator who does not possess a permit as required under Sections V.B.3. or VI.I.

SECTION V. SOLID WASTE COLLECTION SERVICE STANDARDS

A. Solid Waste Handling Permit

1. Requirement.

No solid waste collection service, biomedical waste collection service, or waste tire carrier shall be operated, established, substantially altered, expanded or improved until the county, city or other person operating or owning such service has obtained a Solid Waste Handling Permit from the Health District pursuant to the provisions of this section.

2. Permit Compliance.

Any violation of a permit requirement issued pursuant to these regulations shall be a violation of these regulations.

3. Permit Application.

- a. Any person desiring to operate a solid waste collection service, biomedical waste collection service, or operate as a waste tire carrier must apply for a Solid Waste Handling Permit with the Health Officer, on a form to be provided by the Health Officer. Filing shall not be complete until the permit fee and two (2) copies of the application, signed by the owner and operator, have been received by the Health Officer.
- b. The Health Officer will consider past violations when evaluating applications for permit approval or renewal. The Health Officer may deny a permit if a collection service or hauler has a history of significant or repeated violations, or shows an unwillingness or inability to comply with regulatory requirements.

B. Operation and Maintenance Requirements

1. General.

- a. All persons operating a solid waste collection service shall prevent littering or the creation

of other nuisances at the loading point, during transport, and shall be responsible for the proper unloading of solid waste at a permitted transfer station or other permitted solid waste handling or disposal site. Non-containerized solid waste and recyclable materials shall be covered during transport to prevent spillage.

- b. Vehicles or containers used for the collection and transportation of solid waste, except biomedical waste, shall be tightly covered or screened where littering may occur, durable, and of easily cleanable construction. Where garbage is being collected or transported, containers shall be cleaned and kept in good repair as necessary to prevent nuisances, odors and insect breeding.
- c. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom. Where such spillage or leakage does occur, the waste shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area otherwise properly cleaned.
- d. The Health Officer may require disinfection of any vehicle. Vehicles shall be cleaned frequently to prevent rodent/vector nuisances. All wastewater from vehicle cleaning shall be disposed of in a sanitary sewer system, unless otherwise authorized by the Health Officer.
- e. All persons operating a solid waste collection service shall inspect collection and transportation vehicles at least monthly for repairs to containers such as missing or loose fitting covers or screens, leaking containers, etc., and maintain such inspection records at the facility normally used to park such vehicles or such other location that maintenance records are kept. Such records shall be kept for a period of at least two (2) years, and be made available upon the request of the Health Officer.
- f. Any person desiring to operate a solid waste collection service shall meet the provisions of Chapter 480-70 WAC, *Solid Waste and/or Refuse Collection Companies*.

2. Biomedical Waste Collection Services.

In addition to the general operation and maintenance requirements applicable to persons operating a solid waste collection service specified in Sections V.B.1.a., c., d., e., and f., vehicles used by biomedical waste collection services shall have a leakproof and fully enclosed vehicle compartment constructed of durable and easily cleanable materials, and shall be identified on each side of the vehicle with the name or trademark of the biomedical waste collection service.

3. Waste Tire Carriers.

- a. Waste tire carriers shall meet the general operation and maintenance requirements applicable to persons operating a solid waste collection service as specified in Sections V.B.1.a., b., c., e., and f.
- b. Waste tire carriers shall obtain a Solid Waste Handling Permit pursuant to Section V.A. Any person in the business of new or used tire sales, who transports more than five (5) waste tires generated by their operations for the purposes of recycling or final disposal, are

exempt from permitting provided that said businesses retain complete trip manifests as required in Section V.B.3.d.

- c. All waste tire carriers shall be subject to the requirements in Chapter 173-314 WAC, *Waste Tire Carrier and Storage Site Licenses*.
- d. All waste tire carriers, and businesses transporting more than five (5) waste tires generated by their own operations for the purpose of recycling, storage or disposal, shall maintain complete trip manifests for each occurrence of waste tire transportation. Completed manifests shall be retained at the point of generation for a period of two (2) years and be available to the Health Officer on request. Manifests shall be on one form and shall include:
 - (1) Date tires are transported;
 - (2) Number of tires transported;
 - (3) Name, telephone number, and location of storage, recycling or final disposal facility to which the load is destined; and
 - (4) Printed name and signature of person(s) transporting the waste tires.

SECTION VI. SOLID WASTE HANDLING FACILITY STANDARDS

A. General Facility Requirements

1. Applicability.

- a. All facilities that are subject to the standards of Chapter 173-304 WAC, *Minimum Functional Standards for Solid Waste Handling*, or Chapter 173-351 WAC, *Criteria for Municipal Solid Waste Landfills*, and all solid waste handling, storage, collection, transportation, treatment, utilization, processing, recycling, recovery, and final disposal facilities, and moderate risk waste collection facilities, are subject to these regulations and are required to obtain permits. Single-family residences and single-family farms are exempt from these permit requirements provided that they fully comply with the applicable standards of Section IV.
- b. Permitted solid waste handling facilities shall comply with the goals and objectives of the most recent version of the Kitsap County Comprehensive Solid Waste Management Plan.

2. Solid Waste Handling Permit.

- a. Generally. No solid waste disposal site or facility, solid waste handling facility, MRW collection facility, or interim solid waste handling facility shall be operated, established, substantially altered, expanded or improved until the county, city or other person operating or owning such site has obtained a Solid Waste Handling Permit from the Health District pursuant to the provisions of this section.
- b. Permit Compliance. Any violation of a permit requirement issued pursuant to these regulations shall be a violation of these regulations.

c. Effective Dates.

- (1) Existing facilities will operate under the terms and conditions of their existing permits valid on the effective date of this regulation. After the expiration date of existing permits, these existing facilities shall meet the requirements of this section.
- (2) New and expanded waste handling facilities shall meet the requirements of this section on the effective date of this regulation.

d. Procedures for Permits.

- (1) Any owner or operator subject to the permit requirements who intends to operate a facility must apply for a permit with the Health Officer. Filing shall not be complete until two (2) copies of the application have been signed by the owner and operator and received by the Health Officer, the permit fee has been submitted, and the applicant has filed an environmental checklist required under Chapter 197-11 WAC, *SEPA Rules*.
- (2) Except for municipal solid waste landfills, which shall follow the permitting requirements of WAC 173-351-700 through WAC 173-351-750, all applications for a permit must contain the information set forth in these regulations.
- (3) Once the Health Officer determines that an application for a permit is factually complete, he/she shall refer one (1) copy to the Northwest Regional Office of Ecology for review and comment.
- (4) If an application for a permit is factually incomplete, the Health Officer may deny the application without prejudice. In such a case, if the application is made factually complete within six (6) months of its denial without prejudice, it shall be considered to be a continuation of the initial application. Application fees are non-refundable.
- (5) The Health Officer shall investigate every application to determine whether the facility meets all applicable laws and regulations, conforms with the most recently approved Kitsap County Comprehensive Solid Waste Management Plan and complies with all zoning requirements.
- (6) The Health Officer will consider past violations when evaluating applications for permit approval or renewal. The Health Officer may deny a permit if a facility has a history of significant or repeated violations, or shows an unwillingness or inability to comply with regulatory requirements.
- (7) The Health Officer may establish and collect reasonable fees for permits and renewal of permits. Fees must be submitted with the permit application.
- (8) Ecology shall report to the Health Officer its findings on each permit application within forty-five (45) days of receipt of a complete application or inform the Health Officer of the application's status. Additionally, Ecology shall recommend for or against the issuance of each permit by the Health Officer.
- (9) When the Health Officer has evaluated all pertinent information, he or she may issue a permit. If the permit application is denied, the Health Officer shall provide in writing

the basis for the denial. Every completed solid waste permit application shall be approved or disapproved within ninety (90) days after its receipt by the Health Officer or the applicant shall be informed within thirty (30) days as to the status of the application with a schedule for final determination.

- (10) If the Health Officer denies issuance of a solid waste permit, reapplication for a permit involving substantially the same proposal shall not be considered for six (6) months and shall consist of an original application.
 - (11) Every permit application shall be on a format prescribed by the Health Officer and shall contain specific requirements necessary for the proper operation and development of the permitted site or facility, including the requirement that final engineering plans, specifications and other reports be submitted for approval to the Health Officer.
 - (12) All permits issued by the Health District must be filed with Ecology by the Health District no more than seven (7) days after the date of issuance.
 - (13) The owner or operator of a facility shall apply for renewal of the facility's permit annually. The Health Officer shall annually:
 - (A) Review the original application for compliance with these regulations and such additional information as required in Section VI.A.2.d.;
 - (B) Review information collected from inspections, complaints or known changes in the operations;
 - (C) Collect the renewal fee;
 - (D) Renew or deny the permit; and
 - (E) File the renewed permit with Ecology no more than seven (7) days after the date of issuance. Ecology shall review and may appeal the renewal as set forth in RCW 70.95.185 and RCW 70.95.190.
- e. General Application Contents for Permits for New or Expanded Facilities. Except as provided for in Section VI.B. Municipal Solid Waste Landfills, all permit applications for facilities subject to these regulations shall include the following:
- (1) A general description of the facility;
 - (2) The types of waste to be handled at the facility;
 - (3) The plan of operation required by WAC 173-304-405(2);
 - (4) The form used to record weights and volumes of each type of waste stream accepted as required by WAC 173-304-405(3) and stipulated by the approved Kitsap County Comprehensive Solid Waste Management Plan;
 - (5) An inspection schedule and inspection log required by WAC 173-304-405(5);
 - (6) Documentation to show that any domestic or industrial wastewater treatment facility, such as a leachate collection and treatment system, is being reviewed by Ecology

under Chapter 173-240 WAC, *Submission of Plans and Reports for Construction of Wastewater Facilities*;

- (7) A waste screening program to prevent the acceptance and disposal of unacceptable wastes;
- (8) A description of the manner in which the proposed facility will comply with the most recent version of the Kitsap County Comprehensive Solid Waste Management Plan;
- (9) Specific permit application information applicable to the facility as required in Sections VI.B. through M.; and
- (10) Other information requested by the Health Officer as needed to process the permit application.

f. Application Contents for Existing Facilities Renewing Permits.

- (1) All owners or operators of existing facilities shall renew permits on application forms specified by the Health Officer. Previous information submitted to the Health Officer may be referred to on the application forms. Changes in operating methods or other changes must be noted on the application in order to be authorized by permit.
- (2) Evidence of general liability insurance in an amount no less than two hundred and fifty thousand dollars (\$250,000) shall be furnished to the Health Officer, as he or she may require, prior to permit renewal for all existing facilities if the owner or operator is other than a governmental agency. The Health Officer may require coverage in excess of this amount based on the type of facility and the potential risk posed by the facility.

g. Re-Examination Fee. When plans and specifications that have been examined are altered and resubmitted, an additional fee for the re-examination of such plans shall be assessed at the current cost of plan review. Where a duplicate set of approved plans are submitted for examination and approval at any time after a permit has been issued on the original approved plans, a fee shall be charged at the current cost of plan review for such examination and approval. Where a complete redesign of a site is submitted after one design has been examined, a new review fee shall be charged in addition to the review fee for the first design. The examination of any further redesign shall be similarly charged.

h. Nonconforming Solid Waste Facility. When an existing solid waste disposal facility, not fully meeting these regulations applies to the Health Officer for a permit, a permit for a nonconforming facility may be issued. The conditions of the permit shall be itemized by the Health Officer and shall include a schedule of compliance or a closure schedule as appropriate.

i. Closure. Any person desiring to close an existing landfill facility regulated in Sections VI.B., C., D., and H. (when closed as a landfill) must apply for a post-closure permit with the Health Officer, on a form to be provided by the Health Officer. The application shall address compliance with the facility's post-closure plan.

3. Facility Standards.

- a. The following Ecology facility standards are hereby adopted by reference:

- (1) WAC 173-304-130, *Locational Standards for Disposal Sites*;
 - (2) WAC 173-304-400, *Solid Waste Handling Facility Standards*;
 - (3) WAC 173-304-405, *General Facility Requirements*;
 - (4) WAC 173-304-407, *General Closure and Post-Closure Requirements*;
 - (5) WAC 173-304-467, *Financial Assurance for Public Facilities*, except for municipal solid waste landfills regulated under Chapter 173-351 WAC;
 - (6) WAC 173-304-468, *Financial Assurance Standards for Private Landfill Disposal Facilities*;
 - (7) WAC 173-304-490, *Ground Water Monitoring Requirements*; and
 - (8) WAC 173-304-9901, *Maximum Contaminant Levels for Ground Water*.
- b. Disposal Site Inspection and Screening. If during inspections of solid waste handling facilities the Health Officer observes waste suspected of being regulated dangerous waste, the Health Officer shall have the authority to require the site operator to segregate and hold any such waste. If the Health Officer determines that testing is required to identify the waste, the generator shall be responsible for such analysis. If the generator is not known, the site owner or operator shall be responsible for such analysis. The disposal site owner, operator, and/or attendants shall have similar authority not to accept suspect wastes. All generators of dangerous wastes shall be subject to the conditions of the Dangerous Waste Regulations, Chapter 173-303 WAC, *Dangerous Waste Regulations*. The site owner or operator will assume responsibility for disposal of the waste if the generator is unknown. The site owner or operator shall maintain records of loads refused as suspected dangerous wastes. These records shall include name and address of generator or transporter, license plate number of the transporting vehicle, description of waste and reason for refusal. The site operator shall refer this information to the Health Officer as soon as possible for possible enforcement against the generator or transporter.
 - c. Methane Monitoring. All landfills where methane gas is generated shall provide for adequate venting, collecting, redirecting, or elimination of gases generated by solid waste. It shall be the responsibility of the landfill owner/operator to develop a sampling and testing program to monitor gas production and potential migration.

B. Municipal Solid Waste Landfills

1. Applicability.

The requirements in this section apply to new municipal solid waste landfill (MSWLF) units, existing MSWLF units, and lateral expansions of existing MSWLF units that are designed, permitted, and operated for the disposal of municipal solid waste as defined in Section III. of these regulations. The requirements in this section do not apply to facilities that receive only inert and demolition wastes, wood waste, industrial solid wastes, or other types of solid wastes (other than household solid wastes) disposed of in limited purpose landfills regulated in Chapter 173-304 WAC, *Minimum Functional Standards for Solid Waste Handling*, and these regulations. Co-disposal of any solid waste with household solid waste is governed by the

requirements of this section and Chapter 173-351 WAC, *Criteria for Municipal Solid Waste Landfills*.

2. Permit Application Contents.

Municipal solid waste landfills shall comply with the permitting and permit application content requirements of WAC 173-351-700 through WAC 173-351-750.

3. Facility Standards.

Municipal solid waste landfills shall comply with all provisions of Chapter 173-351 WAC, *Criteria for Municipal Solid Waste Landfills*, which is hereby adopted by reference, and the additional requirements in this section.

4. Waste Screening.

- a. Municipal solid waste landfill operators shall develop and implement a waste acceptance and screening program to prevent dangerous waste from entering the facility. This waste screening program shall be reviewed and approved by the Health District prior to implementation. At a minimum, the waste screening program shall include the following:
 - (1) A waste disposal application to be used by the facility to summarize the generator's waste designation procedures. The application shall include, at a minimum:
 - (A) The company name, contact name, address and telephone number of the generator, the generator's consultant, the generator's contractor, and the analytical laboratory providing data to support the application.
 - (B) The site name, street address, city, county and state where the waste proposed for disposal originated. If the site is a remedial action identified by EPA or Ecology, the name and telephone number of the site manager representing the respective agency shall be included.
 - (C) A description of how the waste was generated.
 - (D) A description of the physical and chemical nature of the waste proposed for disposal including a description of the potential waste contaminants.
 - (E) Whether the application is for a one-time or on-going disposal authorization. Applications for on-going disposal must identify the procedures used to ensure that the application being submitted will remain representative of the waste proposed for disposal.
 - (F) The quantity of waste proposed for disposal in cubic yards and tons and the manner in which the waste is stored on-site. Applications for on-going disposal must identify the quantity of waste that will be disposed of per month or other frequency if monthly quantification cannot be achieved due to the manner in which the waste is generated.
 - (G) A checklist identifying that each requirement of the waste designation procedures in WAC 173-303-070(3) was followed by the generator.

- (H) A description of the sampling frequency and sampling method. The sampling frequency recommended in Table I of Ecology document 91-30, *Guidance for Remediation of Petroleum Contaminated Soils* (November 1995), as amended, shall be used. If the number of samples collected differs from the number recommended in Table I of this reference or required in the Health District approved waste screening program a narrative shall be included which provides justification that the number of samples collected is representative of the entire waste stream proposed for disposal.
- (I) A description of the analytical procedures selected to designate the waste proposed for disposal including justification why certain parameters were chosen for analysis and others excluded from analysis. Analyses shall be performed by a professional laboratory accredited by the Washington State Department of Ecology wastewater accreditation program, or other equivalent accreditation program(s), for the parameters tested. Equivalency of accreditation programs must be determined by the facility as part of the approved waste screening program. Analytical methods used must be those identified in one of the following Ecology and EPA guidance documents and their respective amendments:
 - (i) Ecology document 80-12, *Biological Testing Methods*, as amended.
 - (ii) Ecology document 91-30, *Guidance for the Remediation of Petroleum Contaminated Soils*, as amended.
 - (iii) Ecology document 93-51, *Chemical Testing Methods for Complying with the Dangerous Waste Regulations*, as amended.
 - (iv) EPA publication SW-846, *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, as amended.
 - (v) Waste proposed for disposal that may contain free liquid must also be analyzed pursuant to EPA Method 9095, "Paint Filter Liquids Test" contained in EPA publication SW-846, *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, as amended.
- (J) Copies of laboratory and/or field analysis reports used to designate the waste proposed for disposal, including quality assurance and quality control data and chain-of-custodies associated with the samples used to designate the waste.
- (K) For petroleum contaminated soils (PCS), the appropriate soil classification from Ecology document 91-30, as amended, shall be stated.
- (L) End use of the waste proposed for disposal shall be described. For PCS, end use shall be consistent with those listed in Table V of Ecology document 91-30, as amended.
- (M) Certification by the generator and preparer of the application that the application is complete and correct and that the waste has been fully designated pursuant to WAC 173-303-070.

(N) Certification that the application has been reviewed for accuracy and completeness by the facility operator, certification that the waste does not designate as a dangerous waste under Chapter 173-303 WAC, *Dangerous Waste Regulations*, and a recommendation by the facility operator as to whether to accept or deny request for disposal.

- (2) Random inspections of incoming waste loads. Waste shall be inspected as required in WAC 173-351-200(1)(a). If a public drop box is available at the facility, this location shall also be inspected. Inspections shall be recorded and records maintained of loads refused as suspected dangerous waste. These records shall include the name and address of the generator or transporter, license plate number of the transporting vehicle, and reason for denial. This information shall be submitted to the Health District immediately.
- (3) Development and implementation of a Health District approved contingency plan should unacceptable waste be observed during inspections or during other facility operations.

(4) Training of facility personnel to recognize regulated dangerous waste and PCB wastes.

- b. The waste screening program may be amended by the Health District. Alterations to the facility's waste screening program initiated by the facility operator shall be approved by the Health District prior to implementation.
- c. The facility shall reimburse the Health District for all time spent reviewing waste screening applications, applicable data, and supplemental information at the current hourly plan review rate approved by the Bremerton-Kitsap County Board of Health.

5. Biosolids.

The storage, handling, treatment, or disposal of biosolids at municipal solid waste landfills shall conform with the provisions of Chapter 173-308 WAC, *Biosolids Management*, 40 CFR Parts 258 and 503, Ecology Technical Information Memorandum 92-3 (as amended), and any other applicable EPA and Ecology requirements.

C. Problem Waste Landfills

1. Applicability.

These requirements apply to facilities that landfill problem wastes as defined in Section III., or use problem wastes as a primary component of fill. Owners or operators of problem waste landfills shall obtain a permit from the Health Officer as set forth in Sections VI.A.2. and VI.C.2. of these regulations.

2. Permit Application Contents.

In addition to the permit application requirements in Sections VI.A.2.d. and e., problem waste landfill permit applications shall include the following:

- a. A geohydrological assessment of the facility that meets the minimum requirements of WAC 173-304-600(3)(b)(i) subject to the Health Officer determination that such requirements are

appropriate for the specific proposal being submitted;

- b. Preliminary engineering plans/reports and specifications as specified under WAC 173-304-600(3)(b)(ii);
- c. Operational Plans as specified in WAC 173-304-600(3)(b)(iii);
- d. Closure Plan and Post-Closure Plans specified under WAC 173-304-600(3)(b)(iv-v); and
- e. The permit application shall also demonstrate compliance with the facility standards in Section VI.C.3. and 4. of this section.

3. Facility Standards.

The following facility standards apply to problem waste landfills:

- a. WAC 173-304-405, *General Facility Requirements*;
- b. WAC 173-304-460, *Landfilling Standards*, which is hereby adopted by reference; and
- c. WAC 173-304-463, *Problem Waste Landfills*, which is hereby adopted by reference.

4. Waste Screening.

Problem waste landfill operators shall develop and implement a waste acceptance and screening program to prevent dangerous waste from entering the facility and shall comply with the waste screening requirements contained in Section VI.B.4.

D. Demolition Waste Landfills, Woodwaste Landfills, and Limited Purpose Landfills

1. Applicability.

These requirements apply to facilities that landfill demolition wastes or woodwastes as defined in Section III. of these regulations, including facilities that use demolition waste or wood wastes as a component of fill. These standards also apply to landfills that receive solid wastes of limited types, known and consistent composition, or other types of solid wastes not specifically provided for under these regulations. These standards do not apply to woodwaste landfills on forest lands regulated under Chapter 76.09 RCW, *Forest Protection*, or 40 CFR Part 61, *National Emission Standards for Hazardous Air Pollutants*, or Chapter 173-303 WAC, *Dangerous Waste Regulation*. Owners or operators of demolition, woodwaste, and limited purpose landfills shall obtain a permit from the Health Officer as set forth in Sections VI.A.2. and VI.D.2. of these regulations.

2. Permit Application Contents.

In addition to the permit application requirements in Sections VI.A.2.d. and e., demolition waste, woodwaste and limited purpose landfill permit applications shall include the following:

- a. A geohydrological assessment of the facility that meets the minimum requirements of WAC 173-304-600(3)(b)(i) subject to the Health Officer determination that such requirements are appropriate for the specific proposal being submitted;

- b. Preliminary engineering plans/reports and specifications as specified under WAC 173-304-600(3)(b)(ii);
 - c. Operational Plans as specified in WAC 173-304-600(3)(b)(iii);
 - d. Closure Plan and Post-Closure Plans specified under WAC 173-304-600(3)(b)(iv-v); and
 - e. The permit shall also demonstrate compliance with the facility standards in Sections VI.D.3. and 4.
3. Facility Standards.

The following facility standards apply to demolition waste, wood waste, and limited purpose landfills:

- a. WAC 173-304-405, *General Facility Requirements*;
 - b. WAC 173-304-461, *Inert Waste and Demolition Waste Landfill Facility Requirements*, which is hereby adopted by reference;
 - c. WAC 173-304-462, *Wood Waste Landfill Facility Requirements*, which is hereby adopted by reference.
 - d. WAC 173-304-460(5), *Limited-Purpose Landfill Facility Requirements*.
4. Waste Screening.
- a. Demolition waste, woodwaste, and limited purpose landfill operators shall develop and implement a waste acceptance and screening program to prevent dangerous waste from entering the facility. This waste screening program shall be reviewed and approved by the Health District prior to implementation.
 - b. The waste screening program may be amended by the Health District. Alterations to the facility's waste screening program initiated by the facility operator shall be approved by the Health District prior to implementation.
 - c. The facility shall reimburse the Health District for all time spent reviewing waste screening applications, applicable data, and supplemental information at the current hourly plan review rate approved by the Bremerton-Kitsap County Board of Health.

E. Inert Waste Landfills

1. Applicability.
- a. Except as provided in Section VI.E.1.b. below, these requirements apply to facilities that dispose of greater than two thousand (2,000) cubic yards of inert wastes as defined in Section III. of these regulations, including facilities that use inert waste as a component of fill. Inert wastes, such as crushed glass, concrete and asphalt, being used as aggregate for road building or other construction practices in accordance with Washington State Department of Transportation specifications are exempt from the requirements of this section.

- b. Facilities that dispose of or use as a component of fill greater than one-hundred and fifty (150) cubic yards, but less than two-thousand (2,000) cubic yards of inert wastes are exempt from the requirement to obtain a solid waste handling permit under these regulations provided that:
 - (1) The fill activity is being conducted in accordance with an approved grade and fill permit or site development permit issued by a jurisdictional building department; and
 - (2) Inert wastes are being managed in accordance with the substantive requirements in Sections VI.E.3. and 4.
- c. If the facility does not operate in compliance with the requirements in Section VI.E.1.b., the facility is subject to permitting requirements in Sections VI.A.2. and VI.E.2.

2. Permit Application Contents.

In addition to the permit application requirements in Sections VI.A.2.d. and e. of these regulations, an application to operate an inert waste landfill shall include:

- a. Preliminary engineering plans/reports and specifications as specified under WAC 173-304-600(3)(b)(ii);
- b. Operational Plan as specified under WAC 173-304-600(3)(b)(iii); and
- c. Shall also demonstrate compliance with the facility standards in Section VI.E.3. and 4.

3. Facility Standards.

The following facility standards apply to inert waste landfills:

- a. WAC 173-304-405, *General Facility Requirements*; and
- b. WAC 173-304-461, *Inert Waste and Demolition Waste Landfill Facility Requirements*.

4. Waste Screening.

- a. Inert waste landfill operators shall develop and implement a waste acceptance and screening program to prevent dangerous waste or other unsuitable waste materials from entering the facility. This waste screening program shall be reviewed and approved by the Health District prior to implementation.
- b. The waste screening program may be amended by the Health District. Alterations to the facility's waste screening program initiated by the facility operator shall be approved by the Health District prior to implementation.
- c. The facility shall reimburse the Health District for all time spent reviewing waste screening applications, applicable data, and supplemental information at the current hourly plan review rate approved by the Bremerton-Kitsap County Board of Health.

F. Recycling Facilities

1. Applicability.

- a. These standards apply to facilities engaged in recycling or utilization of solid waste on the land, including: accumulation of wastes in piles for recycling or utilization; and utilization of sewage sludge, septage and other organic wastes on land for beneficial use, except for biosolids beneficially reused in accordance with the requirements in Chapter 173-308 WAC, *Biosolids Management*, and Section VI.N. of this regulation.
- b. These standards do not apply to single-family residences and single-family farms composting their own wastes; facilities engaged in recycling of solid wastes containing garbage, such as garbage composting; facilities engaged in the storage of tires; problem wastes; facilities engaged in recycling of wastes stored in surface impoundments, and woodwaste or hogfuel piles to be used as fuel or raw materials stored temporarily in piles being actively used. These standards do not apply to any facility that recycles or utilizes solid wastes in containers, tanks, vessels, or in any enclosed building, including a buy back recycling centers.
- c. Non-containerized commercial composting is subject to the requirements in Section VI.M. of these regulations.
- d. Owners or operators of recycling facilities shall obtain a permit from the Health Officer as set forth in Sections VI.A.2. and VI.F.2. of these regulations

2. Permit Application Contents.

In addition to the permit application requirements in Sections VI.A.2.d. and e., each application for a permit to operate a solid waste recycling facility shall demonstrate compliance with the facility standards in Sections VI.F.3. through 5.

3. Facility Standards.

The following facility standards apply to solid waste recycling facilities:

- a. WAC 173-304-405, *General Facility Requirements*;
- b. WAC 173-304-300, *Waste Recycling Facility Standards*, which is hereby adopted by reference.
- c. WAC 173-304-420, *Piles Used for Storage and Treatment-Facility Standards*, which is hereby adopted by reference.
- d. Facilities storing solid waste in outdoor piles or surface impoundments for the purpose of recycling shall be considered to be storing or disposing of solid waste if:
 - (1) At least 50% of the material has not been shown to have been recycled in the past three (3) years and any material has been on-site for five (5) years; or
 - (2) Ground water, surface water, air and/or land contamination has occurred or is likely to occur under current conditions of storage or in case of fire or flood.

- e. Waste recycling facilities shall comply with the goals and objectives of the most recent version of the *Kitsap County Comprehensive Solid Waste Management Plan*.
4. Waste Screening.
- a. Solid waste recycling facility operators shall develop and implement a waste acceptance and screening program to prevent dangerous waste from entering the facility. This waste screening program shall be reviewed and approved by the Health District prior to implementation.
 - b. The waste screening program may be amended by the Health District. Alterations to the facility's waste screening program initiated by the facility operator shall be approved by the Health District prior to implementation.
 - c. The facility shall reimburse the Health District for all time spent reviewing waste screening applications, applicable data, and supplemental information at the current hourly plan review rate approved by the Bremerton-Kitsap County Board of Health.
5. Annual Reporting.

Applicable waste recycling facilities shall submit annual reports to the Health District and to the Kitsap County Department of Public Works, Solid Waste Division, by March 1 of the following year for which the data is collected. The annual reports shall include quantities and types of wastes recycled for the purpose of determining progress towards achieving goals of waste reduction in accordance with RCW 70.95.010. Such facilities may request and be assured of confidentiality for their reports in accordance with Chapter 42.17 RCW and RCW 43.21A.160.

G. Transfer Stations, Drop Box Stations, and Baling and Compaction Systems

1. Applicability.

These requirements apply to all transfer stations, drop boxes, and baling and compaction systems as defined in Section III. of these regulations that receive solid wastes from off-site. Facilities receiving solid wastes from on-site are subject to the requirements in Section IV. of these regulations. Owners or operators of transfer stations, drop box stations, and baling and compaction systems shall obtain a permit from the Health Officer as set forth in Sections VI.A.2. and VI.G.2. of these regulations.

2. Permit Application Contents.

In addition to the permit application requirements in Sections VI.A.2.d. and e., each application for a permit to operate a transfer station, drop box station, or baling and compaction system must contain preliminary engineering report/plans and specifications that include, but may not be limited to:

- a. The proposed facility's zoning status;
- b. A description of how the facility will comply with the goals and objectives of the most recently approved Kitsap County Comprehensive Solid Waste Management Plan;
- c. A description of the area to be served by the facility; and

- d. Information necessary to demonstrate compliance with Sections VI.G.3. and 4.
- 3. Facility Standards.

The following facility standards apply to transfer stations, drop box stations, and baling and compaction systems:

- a. WAC 173-304-405, *General Facility Requirements*; and
 - b. WAC 173-304-410, *Transfer Stations, Baling and Compaction Systems and Drop Box Facilities*.
- 4. Waste Screening.
 - a. Solid waste transfer stations, drop-box stations, and baling and compaction facility operators shall develop and implement a waste acceptance and screening program to prevent dangerous waste from entering the facility. This waste screening program shall be reviewed and approved by the Health District prior to implementation.
 - b. The waste screening program may be amended by the Health District. Alterations to the facility's waste screening program initiated by the facility operator shall be approved by the Health District prior to implementation.
 - c. The facility shall reimburse the Health District for all time spent reviewing waste screening applications, applicable data, and supplemental information at the current hourly plan review rate approved by the Bremerton-Kitsap County Board of Health.

H. Surface Impoundments

- 1. Applicability.

The requirements in this section apply to solid wastes that are liquids or sludges containing free liquids as defined in Section III. and are stored and treated in surface impoundments. These standards also apply to sludges and septage stored in surface impoundments. These standards do not apply to surface impoundments whose facilities or discharges are otherwise regulated under federal, state, or local water pollution control permits and retention or detention basins used to collect or store stormwater run-off. Owners or operators of surface impoundments shall obtain a permit from the Health Officer as set forth in Sections VI.A.2. and VI.H.2. of these regulations.

- 2. Permit Application Contents.

In addition to the permit application requirements in Sections VI.A.2.d. and e., each application for a permit to operate a surface impoundment must include, but may not be limited to, the following:

- a. A geohydrological assessment of the facility which meets the minimum requirements of WAC 173-304-600(3)(b)(i);
- b. Preliminary engineering report/plans and specifications as specified in WAC 173-304-600(3)(d)(ii);

- c. An operation plan as specified in WAC 173-304-600(3)(d)(iii);
- d. A closure plan as specified in WAC 173-304-600(3)(d)(iv); and
- e. Information necessary to demonstrate compliance with Sections VI.H.3. and 4.

3. Facility Standards.

The following facility standards apply to surface impoundments:

- a. WAC 173-304-405, *General Facility Requirements*;
- b. WAC 173-304-130, *Locational Standards*, if the facility is to be closed with wastes remaining in place;
- c. WAC 173-304-407, *General Closure and Post Closure Requirements*, if the facility is to be closed with wastes remaining in place;
- d. WAC 173-304-430, *Surface Impoundment Standards*, which is hereby adopted by reference; and
- e. WAC 173-304-490, *Groundwater Monitoring Requirements*.

4. Waste Screening.

- a. Owners/operators of surface impoundment sources shall develop and implement a waste acceptance and screening program to prevent dangerous waste from entering the facility. This waste screening program shall be reviewed and approved by the Health District prior to implementation.
- b. The waste screening program may be amended by the Health District. Alterations to the facility's waste screening program initiated by the facility operator shall be approved by the Health District prior to implementation.
- c. The facility shall reimburse the Health District for all time spent reviewing waste screening applications, applicable data, and supplemental information at the current hourly plan review rate approved by the Bremerton-Kitsap County Board of Health.

I. Piles

1. Applicability.

The requirements in this section apply to solid wastes stored or treated in piles as defined in Section III. where putrescible wastes (other than garbage) are in place for more than three weeks, other wastes not intended for recycling are in place for more than three months, and garbage is in place for more than three days. These standards are also applicable to composting or storing of garbage and sludge in piles, and to tire piles where more than eight hundred tires

are stored at one facility. Owners or operators of piles shall obtain a permit from the Health Officer as set forth in Sections VI.A.2. and VI.I.2. of these regulations.

2. Permit Application Contents.

In addition to the permit application requirements in Sections VI.A.2.d. and e., each application for a permit must include, but may not be limited to:

- a. Preliminary engineering reports/plans and specifications as specified in WAC 173-304-600(3)(e)(i);
- b. An operation plan as specified in WAC 173-304-600(3)(e)(ii);
- c. A closure plan as specified in WAC 173-304-600(3)(e)(iii); and
- d. Information necessary to demonstrate compliance with Sections VI.I.3. and 4.

3. Facility Standards.

The following facility standards apply to waste piles:

- a. WAC 173-304-405, *General Facility Requirements*; and
- b. WAC 173-304-420, *Piles Used for Storage and Treatment-Facility Standards*.

4. Waste Screening.

- a. Solid waste pile operators shall develop and implement a waste acceptance and screening program to prevent dangerous waste from entering the facility. This waste screening program shall be reviewed and approved by the Health District prior to implementation.
- b. The waste screening program may be amended by the Health District. Alterations to the facility's waste screening program initiated by the facility operator shall be approved by the Health District prior to implementation.
- c. The facility shall reimburse the Health District for all time spent reviewing waste screening applications, applicable data, and supplemental information at the current hourly plan review rate approved by the Bremerton-Kitsap County Board of Health.

J. Energy Recovery and Incinerator Facilities

1. Applicability.

These requirements apply to all facilities designed to burn more than twelve (12) tons of solid waste per day, except for facilities burning woodwaste or gases recovered at a landfill. Owners or operators of energy recovery and incinerator facilities shall obtain a permit from the Health Officer as set forth in Sections VI.A.2. and VI.J.2. of these regulations.

2. Permit Application Contents.

In addition to the permit application requirements in Sections VI.A.2.d. and e., each application for a permit to operate an energy recovery or incinerator facility must include, but may not be limited to:

- a. Preliminary engineering reports/plans and specifications as specified in WAC 173-304-600(3)(f)(i);
- b. An operation plan as specified in WAC 173-304-600(3)(f)(ii);
- c. A closure plan as specified in WAC 173-304-600(3)(f)(iii); and
- d. Information necessary to demonstrate compliance with Sections VI.J.3. and 4.

3. Facility Standards.

The following facility standards apply to energy recovery and incinerator facilities:

- a. WAC 173-304-405, *General Facility Requirements*.
- b. WAC 173-304-440, *Energy Recovery and Incinerator Standards*, which is hereby adopted by reference.

4. Waste Screening.

- a. Solid waste pile operators shall develop and implement a waste acceptance and screening program to prevent dangerous waste from entering the facility. This waste screening program shall be reviewed and approved by the Health District prior to implementation.
- b. The waste screening program may be amended by the Health District. Alterations to the facility's waste screening program initiated by the facility operator shall be approved by the Health District prior to implementation.
- c. The facility shall reimburse the Health District for all time spent reviewing waste screening applications, applicable data, and supplemental information at the current hourly plan review rate approved by the Bremerton-Kitsap County Board of Health.

K. Landspreading Disposal Facilities

1. Applicability.

These requirements apply to facilities that engage in landspreading disposal of sludges or solid wastes onto, or incorporates solid wastes into, the soil surface at greater than vegetative utilization and soil conditioners/immobilization rates as defined in Section III. of these regulations. Owners or operators of landspreading disposal facilities shall obtain a permit from the Health Officer as set forth in Sections VI.A.2. and VI.K.2. of these regulations. The landspreading of biosolids is regulated under Chapter 173-308 WAC, *Biosolids Management*.

2. Permit Application Contents.

In addition to the permit application requirements in Sections VI.A.2.d. and e., each application for a permit to operate a landspreading disposal facility must include, but may not be limited to:

- a. A geohydrological assessment of the facility which meets the minimum requirements of WAC 173-304-600(3)(b)(i);

- b. Preliminary engineering reports/plans and specifications as specified in WAC 173-304-600(3)(g)(ii);
 - c. An operation plan as specified in WAC 173-304-600(3)(g)(iii);
 - d. A closure plan as specified in WAC 173-304-600(3)(g)(iv);
 - e. A post-closure plan as specified in WAC 173-304-600(3)(g)(v); and
 - f. Information necessary to demonstrate compliance with Sections VI.K.3. and 4.
3. Facility Standards.

The following facility standards apply to landspreading disposal facilities.

- a. WAC 173-304-405, *General Facility Requirements*, and
 - b. WAC 173-304-450, *Landspreading Disposal Standards*, which is hereby adopted by reference.
4. Waste Screening.
- a. Solid waste pile operators shall develop and implement a waste acceptance and screening program to prevent dangerous waste from entering the facility. This waste screening program shall be reviewed and approved by the Health District prior to implementation.
 - b. The waste screening program may be amended by the Health District. Alterations to the facility's waste screening program initiated by the facility operator shall be approved by the Health District prior to implementation.
 - c. The facility shall reimburse the Health District for all time spent reviewing waste screening applications, applicable data, and supplemental information at the current hourly plan review rate approved by the Bremerton-Kitsap County Board of Health.

L. Moderate Risk Waste Collection Facilities

1. Applicability.
- a. Owners and operators of MRW collection facilities shall obtain a permit from the Health Officer as set forth in Sections VI.A.2. and VI.L.2. of these regulations.
 - b. Unless otherwise directed by the Health Officer, operators of temporary MRW collection facilities, commonly referred to as "MRW collection events" or "MRW roundups", are not required to obtain a permit under these regulations when the following conditions are met:
 - (1) The Health District is notified of the event location and schedule at least thirty (30) days in advance of operations; and
 - (2) Adequate systems and procedures are implemented to protect public health and the environment, and the event meets the general intent of Section VI.L.3.

2. Permit Application Contents.

In addition to the permit application requirements in Sections VI.A.2.d. and e., each application for a permit to operate an MRW collection facility shall include, but may not be limited to:

- a. A description of how the facility will meet each of the operational requirements of Section VI.L.3.a.
- b. Engineering reports, plans, and specifications that include, but are not limited to:
 - (1) How the facility will meet the locational requirements of WAC 173-304-130;
 - (2) Facility drawings showing the location of fencing, signs, emergency equipment, absorbents and other supplies, shower(s), eye wash(es), fire extinguishers and other fire suppression equipment, and the location of MRW sorting, analysis, and storage, including a description of aisle spacing between containers and vertical container stacking;
 - (3) Stormwater surface run-off quality and quantity control, discharge, and monitoring;
 - (4) Closure/post-closure design, construction, maintenance, and land use; and
 - (5) A description of the manner in which the proposed facility meets the requirements of the most recently approved Kitsap County Comprehensive Solid Waste Management Plan.
- c. An operations plan that includes:
 - (1) A visitor policy including requirements for safety and supervision;
 - (2) A waste acceptance protocol to preclude and redirect fully regulated dangerous waste generators and excluded waste types such as explosives and/or radioactives;
 - (3) For materials exchanges, a description of the exchange program including the types of waste included and a description of how restricted wastes will be excluded;
 - (4) Standard administrative procedures, including a description of:
 - (A) How facility inspections will be performed by the operator, including the frequency and detail of inspections;
 - (B) Shipping procedures and documentation; and
 - (C) How facility records and reports will be completed and maintained.
 - (5) A description of how MRW is handled on-site including:
 - (A) MRW packing and labeling procedures;
 - (B) Methods for managing and/or identifying unknown wastes;

- (C) Procedures for managing wastes that arrive in corroded or leaking containers or when MRW is left at the gate when the facility is unattended; and
- (D) A MRW sorting protocol.
- (6) Procedures for checking MRW storage containers for leaks and the signs that indicate container deterioration;
- (7) Control measures to protect containers of MRW from weather and temperature extremes;
- (8) Actions to take if leaks are detected in containers, tanks, or containment structures;
- (9) Actions to take if other releases are detected such as failure of the run-off containment system or release of gas(es) due to chemical reaction;
- (10) How operating, environmental, and safety equipment will be maintained including personal protective equipment; and
- (11) An outline of the Safety and Health Program prepared under Chapter 296-62 WAC, *Occupational Safety and Health Standards for Carcinogens*, and copies of all Health and Safety Plans and Procedures prepared under Chapter 296-62 WAC and Chapter 296-24 WAC, *General Safety and Health Standards*.

3. Facility Standards.

- a. Operation and Maintenance. MRW collection facilities subject to the requirements of this section are required to meet the following minimum standards:
 - (1) Comply with the requirements of WAC 173-304-405, *General Facility Requirements*, except for subsections (2)(e), (2)(g), (3), (4)(d), and (6);
 - (2) Maintain daily operating records that include the number of vehicles entering the facility. Major deviations from the Plan of Operations shall also be noted on the operating record.
 - (3) Maintain a log of the types and volumes of all MRW and used oil shipped off-site for final disposal or processing. The shipment date shall be included on each log entry.
 - (4) Restrict public access to the facility when not open to the public and adequately control public access to MRW unloading area(s) while open to the public;
 - (5) Be constructed of smooth, non-porous, easily cleanable materials;
 - (6) Provide secondary containment for all MRW;
 - (7) Be free of potential rat harborages, and provide effective means to control rodents, insects, birds, and other vermin;
 - (8) Be accessible by all weather roads;

- (9) Be designed and serviced as often as necessary to ensure safe handling, appropriate MRW removal, and adequate collection and storage capacity at all times;
 - (10) Be designed to exclude under-floor spaces and underground storage tanks, except to provide for site utilities, containment spaces, and sumps;
 - (11) Have an adequate buffer zone around the operating area to minimize noise and dust nuisances, and have a buffer zone of fifty (50) feet from the operating area to the nearest property line in areas zoned residential;
 - (12) Comply with applicable zoning, fire, hydraulics, and building codes including approved local variances and waivers;
 - (13) Provide pollution control measures to protect air quality including any applicable requirements of the *Washington Clean Air Act* of 1991, and its amendments;
 - (14) Prohibit scavenging, with the exception of approved materials exchange programs;
 - (15) Provide adequately trained staff on-site during hours of operation;
 - (16) Comply with the Department of Labor and Industries standards for health and safety, including Chapters 296-62 and 296-24 WAC;
 - (17) Have a sign readable from a distance of at least twenty-five (25) feet that identifies at least the facility name, the hours the facility is open for public and/or business use, and the materials not accepted at the facility;
 - (18) Have communications capabilities to immediately summon fire, police, or emergency services personnel in the event of an emergency; and
 - (19) Remove all wastes at closure from the facility to a solid waste handling facility permitted to receive the wastes.
- b. Development and Closure. MRW collection facilities subject to the requirements of this section are required to comply with the minimum standards in WAC 173-304-407(1) through (5), *General closure and post-closure requirements*.

M. Commercial Compost Facilities

1. Applicability.

Owners and operators of commercial composting facilities generating compost for retail sales shall operate under a permit issued by the Health Officer as set forth in Sections VI.A.2. and VI.M.2. of these regulations. Generators of domestic septage compost and/or biosolids compost shall operate under permit required under Chapter 173-308 WAC, *Biosolids Management*, and in accordance with the methods and procedures developed by Ecology and EPA.

2. Permit Application Contents.

In addition to the permit application requirements in Sections VI.A.2.d. and e., each application for a permit to operate a commercial composting facility shall demonstrate compliance with Sections VI.M.3. and 4. of these regulations.

3. Facility Standards.

- a. Commercial composting facilities shall meet the applicable facility standards in WAC 173-304-300, *Recycling Facility Standards*, and WAC 173-304-420, *Piles Used for Storage and Treatment-Facility Standards*.
- b. Odorous materials such as spoiled foods, animal feces, blood and slaughterhouse wastes shall be immediately processed to prevent odors.
- c. The composted material shall not reheat upon standing and shall contain no sharp particles that would cause injury to persons handling the compost.
- d. Generators of compost shall identify, to the Health District and the compost user, feedstock percentages used in the compost mix. This information will be included in the required plan of operation and will be used to develop sampling guidelines for the final compost product.
- e. All permitted composting operations shall conduct chemical analyses and submit reports to the Health Officer at a frequency established by the Health Officer to demonstrate that the resulting product does not contain levels of chemicals or pathogens that could create a risk to the public health.

4. Waste Screening.

- a. Commercial composting operators shall develop and implement a waste acceptance and screening program to prevent dangerous and/or problem waste from entering the facility. This waste screening program shall be reviewed and approved by the Health District prior to implementation.
- b. The waste screening program may be amended by the Health District. Alterations to the facility's waste screening program initiated by the facility operator shall be approved by the Health District prior to implementation.
- c. The facility shall reimburse the Health District for all time spent reviewing waste screening applications, applicable data, and supplemental information at the current hourly plan review rate approved by the Bremerton-Kitsap County Board of Health.

N. Other Methods of Solid Waste Handling

1. General.

This section applies to other methods of solid waste handling such as a material resource recovery system for municipal waste not specifically identified elsewhere in this regulation, nor excluded from this regulation. Owners and operators of other methods of solid waste handling shall comply with the requirements contained in Chapter 173-304 WAC, *Minimum Functional Standards for Solid Waste Handling*.

2. Solid Waste Handling Permit.

Owners and operators of other methods of solid waste handling shall obtain a permit from the Health Officer as required in Section VI.A. by submitting an application containing information

required in Section VI.A.2. and such other information as may be required by the Health Officer and Ecology, including but not limited to:

- a. Preliminary engineering reports, plans, and specifications;
- b. Operation and development plans and specifications;
- c. A closure plan; and
- d. A waste screening procedure.

SECTION VII. ADMINISTRATION AND ENFORCEMENT

A. Other Laws, Regulations and Agency Requirements

1. All solid waste management shall be subject to the authority of other laws, regulations or other agency requirements in addition to these rules and regulations. Nothing in these rules and regulations is intended to abridge or alter the rights of action by the state or by persons which exist in equity, common law or other statutes to abate pollution or to abate a nuisance.
2. Chapter 173-304 WAC, *Minimum Functional Standards for Solid Waste Handling*, is hereby adopted by reference.
3. If a conflict exists in the interpretation of Chapter 173-304 WAC and these regulations, or in the interpretation of Chapter 173-351 WAC and these regulations, the more stringent regulation shall apply to better protect public health and the environment.

B. Enforcement Authority

The Health Officer shall have the authority to enforce the provisions of these regulations equally on all persons. The Health Officer is also authorized to adopt rules consistent with the provisions of these rules and regulations for the purpose of enforcing and carrying out its provisions.

C. Right of Entry

1. Whenever necessary to make an inspection to enforce or determine compliance with the provisions of these regulations, or whenever the Health Officer has cause to believe that a violation of these regulations has been or is being committed, the Health Officer or his/her duly authorized inspector may enter any land, building, structure, or premises at reasonable times to inspect the same.
2. If entry is refused, the Health Officer shall have recourse to the remedies provided by law to secure entry, including, but not limited, to search warrants.

D. Inspections – Permitted Facilities

1. General.

At a minimum, the Health Officer shall perform annual inspections of all permitted solid waste facilities. Findings shall be noted and kept on file. A copy of the inspection report or annual summary shall be furnished to the site operator by the Health Officer.

2. Pre-Operational Inspection.

Whenever plans and specifications are required by these regulations to be submitted to the Health Officer, the Health Officer may inspect the proposed solid waste disposal site, solid waste handling facility, or solid waste collection service prior to the start of the operations to verify compliance with approved plans and specifications.

E. Notice and Order to Correct Violation

1. Issuance.

Whenever the Health Officer determines that a violation of these regulations has occurred or is occurring, he/she may issue a written notice and order to correct violation to the property owner or to any person causing, allowing or participating in the violation.

2. Content.

The notice and order to correct violation shall contain:

- a. The name and address of the property owner or other persons to whom the notice and order to correct violation is directed;
- b. The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring;
- c. A description of the violation and a reference to that provision of the regulation which has been violated;
- d. A statement of the action required to be taken to correct the violation and a date or time by which correction is to be completed;
- e. A statement that each violation of this regulation shall be a separate and distinct offense and in the case of a continuing violation, each day's continuance shall be a separate and distinct violation; and
- f. A statement that the failure to obey this notice may result in the issuance of a notice of civil infraction, and/or the assessment of an administrative remedy, and/or, if applicable, the imposition of criminal penalties.

3. Disposal Receipts.

The notice and order to correct violation may also include a statement requiring the person to whom the notice and order to correct violation is directed to produce receipts from a permitted solid waste disposal facility or transporter to demonstrate compliance with an order issued by the Health Officer.

4. Service of Order.

The notice and order to correct violation shall be served upon the person to whom it is directed, either personally or by mailing a copy of the order to correct violations by first class and

certified mail postage prepaid, return receipt requested, to such person at his/her last known address.

5. Extension.

Upon written request received prior to the correction date or time, the Health Officer may extend the date set for corrections for good cause. The Health Officer may consider substantial completion of the necessary correction or unforeseeable circumstances that render completion impossible by the date established as a good cause.

6. Supplemental Order to Correct Violation.

The Health Officer may at any time add to, rescind in part, or otherwise modify a notice and order to correct violation. The supplemental order shall be governed by the same procedures applicable to all notice and order to correct violations procedures contained in these regulations.

7. Enforcement of Order.

If, after any order is duly issued by the Health Officer, the person to whom such order is directed fails, neglects, or refuses to obey such order, the Health Officer may:

- a. Utilize any remedy or penalty under Section VII.F. of these regulations; and/or
- b. Abate the health violation using the procedures of these regulations; and/or
- c. Pursue any other appropriate remedy at law or equity.

8. Written Assurance of Discontinuance.

The Health Officer may accept a written assurance of discontinuance of any act in violation of this regulation from any person who has engaged in such act. Failure to comply with the assurance of discontinuance shall be a further violation of this regulation.

F. Violations, Remedies and Penalties

1. Violations.

- a. Violations of these regulations may be addressed through the remedies and penalties provided in this section.
- b. Each violation of these regulations shall be a separate and distinct offense and in the case of a continuing violation, each day's continuance shall be a separate and distinct violation.
- c. The Health Officer may investigate alleged or apparent violations of these regulations. Upon request of the Health Officer, the person allegedly or apparently in violation of these regulations shall provide information identifying themselves.

2. Civil Remedies.

- a. Except as provided in Section VII.F.2.b., the violation of any provision of these regulations is designated as a Class 1 civil infraction pursuant to Chapter 7.80 RCW, *Civil Infractions*.

- b. Any person who unlawfully dumps solid waste as described in Section IV.A.5.b. for waste in an amount greater than one (1) cubic foot has committed a Class 1 civil infraction pursuant to Chapter 7.80 RCW, *Civil Infractions*. Any person who unlawfully dumps solid waste in an amount less than or equal to one (1) cubic foot has committed a Class 3 civil infraction pursuant to Chapter 7.80 RCW. The court may also impose restitution for any violation.
- c. The Health Officer may issue a notice of civil infraction pursuant to Chapter 7.80 RCW if the Health Officer has reasonable cause to believe that the person has violated any provision of these regulations or has not corrected the violation as required by a written notice and order to correct violation. Civil infractions shall be issued, heard and determined as described in Chapter 7.80 RCW, and any applicable court rules.

3. Criminal Penalties.

The following are crimes under these regulations:

- a. Any person who unlawfully dumps biomedical waste as described in Section IV.A.5.b. shall be, upon conviction, guilty of a misdemeanor and shall be subject to a fine of not more than \$1,000, or imprisonment in the county jail not to exceed ninety (90) days, or both. The court may also impose restitution.
- b. Any person who unlawfully dumps dangerous waste or extremely hazardous waste in violation of RCW 70.105.085 shall be, upon conviction, guilty of a gross misdemeanor under RCW 70.105.090 and shall be subject to a fine of not more than \$10,000, or imprisonment in county jail for not more than one (1) year, or both. The court may also impose restitution.
- c. Any person who unlawfully dumps solid waste as described in Section IV.A.5.b. and in an amount less than one (1) cubic yard, but greater than (1) cubic foot, shall be, upon conviction, guilty of a misdemeanor, and shall be subject to a fine of not more than \$1,000, or imprisonment in the county jail not to exceed ninety (90) days, or both. The court may also impose restitution as stated in Chapter 70.95 RCW, *Solid Waste Management-Reduction and Recycling*.
- d. Any person who unlawfully dumps solid waste as described in Section IV.A.5.b. and in an amount greater than (1) cubic yard, shall be, upon conviction, guilty of a gross misdemeanor, and shall be subject to a fine of not more than \$5,000, or imprisonment in the county jail not to exceed one (1) year, or both. The court may also impose restitution as stated in Chapter 70.95 RCW, *Solid Waste Management-Reduction and Recycling*.
- e. Any person who fails, neglects, or refuses to obey an order of the Health Officer to correct a violation as set forth in Section VII.E.7. above shall be, upon conviction, guilty of a misdemeanor and shall be subject to a fine of not more than \$1,000, or imprisonment in the county jail not to exceed ninety (90) days, or both. The court may also impose restitution.
- f. Any person who fails, neglects, or refuses to comply with a written assurance of discontinuance pursuant to Section VII.E.8. above shall be, upon conviction, guilty of a misdemeanor and shall be subject to a fine of not more than \$1,000, or imprisonment in the county jail not to exceed ninety (90) days, or both. The court may also impose restitution.

- g. Any person who operates a solid waste facility or collection service without a permit shall be, upon conviction, guilty of a misdemeanor and shall be subject to a fine of not more than \$1,000, or imprisonment in the county jail not to exceed ninety (90) days, or both. The court may also impose restitution.
- h. Any person who operates a solid waste facility or collection service after a permit has been revoked shall be, upon conviction, guilty of a misdemeanor and shall be subject to a fine of not more than \$1,000, or imprisonment in the county jail not to exceed ninety (90) days, or both. The court may also impose restitution.

4. Noncompliance Fees.

- a. Pursuant to the most current Health District fee schedule adopted by the Board of Health, the Health District may assess an hourly noncompliance fee to a permittee for the following:
 - (1) Health District oversight and review required as a result of the Health Officer's determination that a permitted facility is not in compliance with its permit and/or applicable regulations and has not met the compliance dates specified in a notice and order to correct violation; or
 - (2) Amendments to an existing Health District permit required as a result of the permitted facility not being in compliance with its permit and/or applicable regulations.
 - (3) Second and subsequent re-inspections conducted by the Health District in response to the permittee not complying with their permit or the permittee not meeting the requirements outlined in a notice and order to correct violation.
- b. Whenever a noncompliance fee is assessed by the Health District, the fee shall be due and payable thirty (30) days after receipt of the invoice by the permittee.
- c. The noncompliance fee shall not be assessed in addition to the permit fee for permitted facilities where permit fees, as described in the most recent Health District fee schedule, specifically include those Health District activities described in Section VII.F.4.a.

5. Stop-Work and Abatement Orders.

- a. Stop-Work Orders. The Health Officer may cause a stop-work order to be issued whenever the Health Officer has reason to believe that a violation of this regulation is occurring. The effect of the stop-work order shall be to require the immediate cessation of such work or activity that has contributed to the violation until authorized by the Health Officer to proceed. The stop-work order shall be posted upon the property where the violation is occurring, and shall be served upon the owner of the property either personally or by first class and certified mail, return receipt requested, at the owner's last known address. It is a violation of these regulations to remove, deface, destroy, or conceal a posted stop-work order. It is a violation of these regulations to perform , or direct to be performed, work forbidden by a stop-work order issued by the Health Officer.
- b. Abatement Orders. In addition to or as an alternative to any other judicial or administrative remedy provided in these regulations or by law or other rules and regulations, the Health Officer may order a violation of these regulations to be abated. The effect of the abatement

order shall be to require work to be done to correct the violation within a reasonable time period. If the required corrective work is not commenced or completed within the time specified, the Health Officer may proceed to abate the violation and cause the work to be done. The abatement order shall be posted upon the property where the violation is occurring, and shall be served upon the owner of the property either personally or by first class and certified mail, return receipt requested, at the owner's last known address. The property owner is responsible for the costs of all corrective action, whether done by the owner or the Health District. The Health District shall have the right to collect the amount expended for abatement, and the amount expended on staff time to oversee the abatement, through appropriate legal action. Failure to comply with an abatement order issued by the Health Officer is a violation of these regulations.

6. Permit Suspension, Revocation, and Appeal.

a. Suspension of Permits.

- (1) The Health Officer may temporarily suspend any permit issued under these regulations for: (a) failure of the holder to comply with the requirements of the permit; (b) failure to comply with any notice and order to correct violation issued pursuant to these regulations related to the permitted activity; (c) failure to comply with an abatement or stop-work order issued pursuant to Section VII.F.5.; or (d) the dishonor of any check or draft used by the permit holder to pay any Health District fees associated with the permit.
- (2) Permit suspension shall be carried out through the notice and order to correct violation provisions specified in Section VII.E., and the suspension shall be effective upon service of the notice and order to correct violation upon the holder or operator. The holder or operator may appeal such suspension as provided in Section VII.G. and Section VII.F.6.c.
- (3) Notwithstanding any other provision of this regulation, whenever the Health Officer finds that a violation of this regulation has created or is creating an unsanitary, dangerous or other condition which, in his/her judgment, constitutes an immediate and irreparable hazard, he/she may, without service of a written notice and order to correct violation, suspend and terminate operations under the permit immediately.

b. Revocation of Permits.

- (1) The Health Officer may permanently revoke any permit issued by him/her for: (a) failure of the holder to comply with the requirements of the permit; (b) failure of the holder to comply with any notice and order to correct violation issued pursuant to these regulations related to the permitted activity; (c) failure to comply with an abatement or stop-work order issued pursuant to Section VII.F.5.; (d) interference with the Health Officer in the performance of his/her duties; (e) discovery by the Health Officer that a permit was issued in error or on the basis of incorrect information supplied to him/her; or (f) the dishonor of any check or draft used by the holder to pay any Health District fees associated with the permit.
- (2) Such permit revocation shall be carried out through the notice and order to correct violation provisions specified in Section VII.E. and the revocation shall be effective upon service of the notice and order to correct violation upon the holder or operator.

The holder or operator may appeal such revocation, as provided in Section VII.G. and Section VII.F.6.c.

- (3) A permit may be suspended pending its revocation or a hearing relative to revocation pursuant to the provisions of Section VII.F.7.a. above.

c. Permit Appeal.

- (1) Subject to Appeal. Any denial, suspension or revocation of a solid waste permit by the Health Officer may be appealed.
- (2) Appellant Defined. The appellant shall be the applicant for a solid waste permit or holder of a solid waste permit who appeals a decision denying, suspending or revoking a solid waste permit.
- (3) Appeal Procedure. The appeal procedure shall be carried out through the appeals process specified in VII.G.

7. Other Legal or Equitable Relief.

Notwithstanding the existence or use of any other remedy, the Health Officer may seek legal or equitable relief to enjoin any acts or practices or abate any conditions that constitute or will constitute a violation of this ordinance, or rules and regulations adopted under it, or any state health law or regulation, or that otherwise threatens public health.

8. Imminent and Substantial Dangers.

Notwithstanding any provisions of this regulation the Health Officer may take immediate action to prevent an imminent and substantial danger to the public health by the improper management of any waste irrespective of quantity or concentration.

G. Appeals

1. Appeal of Health District Action – Health Officer Administrative Hearing.

Any person aggrieved by the contents of a notice and order to correct violation issued under this regulation, or by any inspection or enforcement action conducted by the Health District under this regulation, may request, in writing, a hearing before the Health Officer or his or her designee. The appellant shall submit specific statements in writing of the reason why error is assigned to the decision of the Health District. Such request shall be presented to the Health Officer within ten (10) business days of the action appealed; except in the case of a suspension, the request for a hearing must be made within five (5) business days. Upon receipt of such request together with hearing fees, the Health Officer shall notify the person of the time, date, and place of such hearing, which shall be set at a mutually convenient time not less than five (5) business days nor more than fifteen (15) business days from the date the request was received. The Health Officer will issue a decision upholding or reversing the Health District's action. The Health Officer may require additional actions as part of the decision.

2. Appeal of Administrative Hearing.

- a. Any person aggrieved by the findings or required actions of an administrative hearing shall have the right to appeal the matter by requesting a hearing before the Board of Health. Such notice of appeal shall be in writing and presented to the Health Officer within five (5) business days of the findings and actions from the administrative hearing. The appellant shall submit specific statements in writing of the reason why error is assigned to the decision of the Health Officer, and which shall be accompanied by a fee as established in the current Health District fee schedule. The appellant and the Health Officer may submit additional information to the Board of Health for review.
- b. The notice and order to correct violation shall remain in effect during the appeal. Any person affected by the notice and order to correct violation may make a written request for a stay of the decision to the Health Officer within five (5) business days of the Health Officer's decision. The Health Officer will grant or deny the request within five (5) business days.
- c. Upon receipt of a timely written notice of appeal together with the hearing fee, the Health Officer shall set a time, date, and place for the requested hearing before the Board of Health and shall give the appellant written notice thereof. Such hearing shall be set at a mutually convenient time not less than five (5) business days or more than thirty (30) business days from the date the appeal was received by the Health Officer.
- d. Any decision of the Board of Health shall be final and may be reviewable by an action filed in superior court. Any action to review the Board's decision must be filed within thirty (30) business days of the date of the decision.

H. Variances

1. Applicability.

Any person who owns or operates a solid waste facility may apply to the Health Officer for a variance from any section of these regulations except as provided in Section VII.H.2.d.

2. Granting Requirements.

- a. The Health Officer may grant such variance if it finds that:
 - (1) The solid waste handling practices or site location do not endanger public health, safety or the environment; and
 - (2) Compliance with the regulation from which variance is sought would produce hardship without equal or greater benefits to the public; and
 - (3) No other practicable or reasonable alternative exists. A practicable alternative is one that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and better reducing or eliminating impacts to health and the environment. It may include equipment or facilities not owned by the applicant that could have reasonably been or be obtained, utilized, expanded, or managed in order to manage, reduce, or eliminate impacts to health and the environment. A reasonable alternative is one that could

feasibly attain or approximate compliance, but would better reduce or eliminate impacts to health and the environment.

- b. No variance shall be granted pursuant to this section until the Health Officer has considered the relative interests of the applicant, other owners of property likely to be affected by the waste handling practices, and the general public.
 - c. Any variance or renewal shall be granted within the requirements of this section and for time period and conditions consistent with the reasons therefore, and within the following limitations:
 - (1) If the variance is granted on the grounds that there is no practicable means known or available for the adequate prevention, abatement or control of pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available and subject to the taking of any substitute or alternative measures that the Health Officer may prescribe.
 - (2) The Health Officer may grant a variance conditioned by a timetable if:
 - (A) Compliance with this regulation will require spreading of costs over a considerable time period; and
 - (B) The timetable is for a period that is needed to comply with this regulation.
 - d. No variance from Chapters 173-304 WAC, *Minimum Functional Standards for Solid Waste Handling*, and 173-351 WAC, *Criteria for Municipal Solid Waste Landfills*, shall be granted by the Health Officer except with the approval and written concurrence of Ecology prior to action on the variance by the Health Officer.
 - e. The Health Officer may grant variances from these regulations for standards that are more stringent than the standards of Chapters 173-304 and 173-351 WAC, or from provisions in these regulations that are not contained in Chapters 173-304 and 173-351 WAC, without Ecology approval.
3. Application.
- a. The application shall be accompanied by such information as the Health Officer may require.
 - b. An application for a variance, or for the renewal thereof, submitted to the Health Officer shall be approved or disapproved by the Health Officer within ninety (90) calendar days of receipt unless the applicant and the Health Officer agree to a continuance.
 - c. Notice shall be given by mailing a notice of the variance application to persons who have written to the Health Officer asking to be notified of all variance requests.
4. Renewal.

Any variance granted pursuant to this section may be renewed by the Health Officer on terms and conditions and for periods that would be appropriate on initial granting of a variance. No

renewal shall be granted except on written application. Any such application shall be made at least sixty (60) calendar days prior to the expiration of the variance.

SECTION VIII. REPEALER

Bremerton-Kitsap County Board of Health Solid Waste Regulations, Resolution Number 1996-11 and Ordinance Number 1996-11, dated September 6, 1996, are hereby repealed. In addition, if any resolution, code, words, rules or regulations of the Bremerton-Kitsap County Health District is in conflict with this regulation, they are hereby repealed to the extent necessary to give these regulations full force and effect.

SECTION IX. SEVERABILITY

Should any section, paragraph, phrase, sentence or clause of these regulations be declared invalid or unconstitutional for any reason, the remainder of these regulations shall not be affected thereby.

SECTION X. EFFECTIVE DATE

The effective date of these regulations shall be August 2, 2000.

APPENDIX A. REFERENCES

The following is a list of Federal, State, and local laws, regulations, and documents referenced in Bremerton-Kitsap County Board of Health Ordinance 2000-6, *Solid Waste Regulations*. Copies of these documents may be found at the Poulsbo office of the Bremerton-Kitsap County Health District, the Kitsap County Courthouse, or through your local library.

A. Federal:

1. United States Code (USC):

33 USC 1344	SECTION 404 OF THE FEDERAL CLEAN WATER ACT (PL 95-217), PERMITS FOR DREDGED OR FILL MATERIAL
42 USC 300	SAFE DRINKING WATER ACT (PL 95-523)
42 USC 2011	ATOMIC ENERGY ACT OF 1954
42 USC 6901	RESOURCE CONSERVATION AND RECOVERY ACT OF 1976 (RCRA)
42 USC 9601	COMPREHENSIVE ENVIRONMENTAL RESPONSE COMPENSATION AND LIABILITY ACT OF 1980 (CERCLA)

2. Code of Federal Regulations (CFR):

10 CFR Part 20	STANDARDS FOR PROTECTION AGAINST RADIATION
40 CFR Part 61	NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS
40 CFR Part 258	CRITERIA FOR MUNICIPAL SOLID WASTE LANDFILLS
40 CFR Part 503	STANDARDS FOR THE USE OR DISPOSAL OF SEWAGE SLUDGE

3. Environmental Protection Agency:

SW-846	TEST METHODS FOR EVALUATING SOLID WASTE, PHYSICAL/ CHEMICAL METHODS
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B. State:

1. Revised Code of Washington (RCW), Chapters:

7.80	CIVIL INFRACTIONS
42.17	DISCLOSURE - CAMPAIGN FINANCES - LOBBYING – RECORDS
43.21A	DEPARTMENT OF ECOLOGY
46.37	VEHICLE LIGHTING AND OTHER EQUIPMENT
46.55	TOWING AND IMPOUNDMENT
70.05	LOCAL HEALTH DEPARTMENTS, BOARDS, OFFICERS - REGULATIONS
70.93	WASTE REDUCTION, RECYCLING, AND MODEL LITTER CONTROL ACT
70.94	WASHINGTON CLEAN AIR ACT
70.95	SOLID WASTE MANAGEMENT - REDUCTION AND RECYCLING
70.95J	MUNICIPAL SEWAGE SLUDGE - BIOSOLIDS
70.95K	BIOMEDICAL WASTE
76.04	FOREST PROTECTION

90.48 WATER POLLUTION CONTROL

2. Washington Administrative Code (WAC), Chapters:

- 173-160 MINIMUM STANDARDS FOR CONSTRUCTION AND MAINTENANCE OF WELLS
- 173-200 WATER QUALITY STANDARDS FOR GROUND WATERS OF THE STATE OF WASHINGTON
- 173-201A WATER QUALITY STANDARDS FOR SURFACE WATERS OF THE STATE OF WASHINGTON
- 173-218 UNDERGROUND INJECTION CONTROL PROGRAM
- 173-240 SUBMISSION OF PLANS AND REPORTS FOR CONSTRUCTION OF WASTEWATER FACILITIES
- 173-303 DANGEROUS WASTE REGULATIONS
- 173-304 MINIMUM FUNCTIONAL STANDARDS FOR SOLID WASTE HANDLING
- 173-308 BIOSOLIDS MANAGEMENT
- 173-314 WASTE TIRE CARRIER AND STORAGE SITE LICENSES
- 173-351 CRITERIA FOR MUNICIPAL SOLID WASTE LANDFILLS
- 173-425 OUTDOOR BURNING
- 197-11 SEPA RULES
- 246-203 GENERAL SANITATION
- 246-220 RADIATION PROTECTION - GENERAL PROVISIONS
- 246-232 RADIOACTIVE MATERIALS - LICENSING APPLICABILITY
- 296-24 GENERAL SAFETY AND HEALTH STANDARDS
- 296-62 OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR CARCINOGENS
- 296-65 ASBESTOS REMOVAL AND ENCAPSULATION
- 480-70 SOLID WASTE AND/OR REFUSE COLLECTION COMPANIES

3. Washington State Department of Ecology (Ecology):

Ecology document 80-12, *Biological Testing Methods*

Ecology document 82-11: *Municipal and Domestic Sludge Utilization Guidelines*

Ecology document 91-30: *Guidance for Remediation of Petroleum Contaminated Soils* (revised November 1995)

Ecology document 93-51, *Chemical Testing for Complying with the Dangerous Waste Regulations*

Ecology Technical Information Memorandum 92-3: *Sewage Treatment Plant Sludge and Biosolids, Septage, Chemical Toilet Wastes and the Liquids-in-Landfills Ban*

C. Local/Regional:

1. Puget Sound Clean Air Agency:

Regulation III, Article 4, *Asbestos Control Standard*

2. Bremerton-Kitsap County Health District:

Bremerton-Kitsap County Board of Health Ordinance 1999-6, *Rules and Regulations for Private and Public Water Supplies*

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